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THURSDAY, APRIL 21, 1977

highlights

PRINCIPAL EXECUTIVE BRANCH OFFICIALS OF THE ADMINISTRATION OF JIMMY CARTER

The Office of the Federal Register will publish supplement 3 to the U.S. Government Manual on May 2. This supplement will be a separate part in the FEDERAL REGISTER. Executive agencies may obtain copies by submitting Standard Form 1 to the Planning Services Division of the Government Printing Office no later than April 28. Copies may also be purchased for 75 cents from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

SUNSHINE ACT MEETINGS 20744

LIQUEFIED NATURAL GAS (LNG)
DOT/OPSO proposes federal safety standards for facilities; comments by 9–2–77 (Part III of this issue) 20775

DESERT PLANT EXPLOITATION AND DROUGHT CONNECTED FIRE EMERGENCIES
Interior/BLM establishes criminal penalty for violation of rules of conduct and closure orders on public lands concerning natural resources and wildlife management; effective 4–21–77 20625

TOXIC SUBSTANCES CONTROL
EPA proposes procedures for rulemaking; comments by 7–1–77 20640

REHABILITATION PROJECT GRANTS
HEW/RSA announces closing date of 6–17–77 for receipt of applications for special projects on services and facilities 20673

STUDENT ASSISTANCE PROGRAMS
HEW/OE announces regional public meetings to be held 5–2, 5–4, and 5–6–77 on proposals concerning student consumer information, state student assistance training; student eligibility, and procedures for limitation, suspension or termination of institutional eligibility (Part IV of this issue) 20803

CONTINUED INSIDE

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The six-month trial period ended August 6. The program is being continued on a voluntary basis (see OFR notice, 41 FR 32914, August 6, 1976). The following agencies have agreed to remain in the program:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/OHMO	CSC		DOT/OHMO	CSC
DOT/OPSO	LABOR		DOT/OPSO	LABOR
	HEW/FDA			HEW/FDA

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

ATTENTION: For questions, corrections, or requests for information please see the list of telephone numbers appearing on opposite page.

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FEDERAL REGISTER, Daily Issue:

Subscriptions and distribution	**202**–783–3238
"Dial - a - Regulation" (recorded summary of highlighted documents appearing in next day's issue).	**202**–523–5022
Scheduling of documents for publication.	523–5220
Copies of documents appearing in the Federal Register.	523–5240
Corrections	523–5286
Public Inspection Desk	523–5215
Finding Aids	523–5227
Public Briefings: "How To Use the Federal Register."	523–5282
Code of Federal Regulations (CFR)	523–5266
Finding Aids	523–5227

PRESIDENTIAL PAPERS:

Executive Orders and Proclamations.	523–5233
Weekly Compilation of Presidential Documents.	523–5235
Public Papers of the Presidents	523–5235
Index	523–5235

PUBLIC LAWS:

Public Law dates and numbers	523–5237
Slip Laws	523–5237
U.S. Statutes at Large	523–5237
Index	523–5237
U.S. Government Manual	523–5230
Automation	523–5240
Special Projects	523–5240

HIGHLIGHTS—Continued

CLIENT REPRESENTATION BY FORMER GOVERNMENT EMPLOYEES
Treasury/Secy proposes revision of regulations governing practice before the Internal Revenue Service; comments by 5–23–77 20635

AGRICULTURE STABILIZATION AND CONSERVATION
USDA/Secy proposes to revise selection and functions of county and community committees; comments by 5–23–77 20628

FARM CREDIT SYSTEM
Farm Credit Administration describes certain supervisory responsibilities of Farm Credit banks, effective 4–6–77 20617

FEDERAL ELECTIONS
FEC issues advisory opinion request (Part II of this issue) 20771

GOVERNMENT IN THE SUNSHINE
PRC proposes to implement open meeting requirements; comments by 4–25–77 20639

PRIVACY ACT
Postal Service notice on systems of records; effective 4–21–77 (Part V of this issue) 20805

MEETINGS—
Commerce/DIBA: Computer Systems Technical Advisory Committee, Licensing Procedures Subcommittee, 5–10, 6–1, 6–2, and 6–7–77 20650
NOAA: Pacific Fishery Management Council and Scientific and Statistical Committee, 5–12 and 5–13–77 20649
DOD/Army: Army Scientific Advisory Panel, 5–9 and 5–10–77 20650
EPA: Science Advisory Board Executive Committee, 5–12 and 5–13–77 20652
HEW/OE: Women's Educational Programs National Advisory Council, 5–9–77 20673
Secy: Protection of Human Subjects of Biomedical and Behavioral Research National Commission, 5–13 and 5–14–77 20675
DOT/CG: National Boating Safety Advisory Council, 5–24 and 5–25–77 20696
National Boating Safety Advisory Council, Capacity Label Subcommittee, 5–23–77 20696
Ship Structure Committee, 6–2–77 20697
NHTSA: National Highway Safety Advisory Committee and National Motor Vehicle Safety Advisory Council, Truck and Bus Safety Subcommittees, 5–19–77 20694

AMENDED MEETING—
Interior/BLM: Land Classification in Alaska, 5–5–77 20681

HEARING—
Delaware River Basin Commission: 4–27–77 20651

SEPARATE PARTS OF THIS ISSUE
Part II, FEC 20771
Part III, DOT/OPSO 20775
Part IV, HEW/OE 20803
Part V, PS 20805

contents

AGRICULTURAL MARKETING SERVICE

Rules

Oranges (navel) grown in Ariz. and Calif. 20626

AGRICULTURE DEPARTMENT

See Agricultural Marketing Service; Federal Grain Inspection Service.

Proposed Rules

Agricultural Stabilization and Conservation County and Community Committees; selection and functions 20628

ARMY DEPARTMENT

Notices

Meetings:
Scientific Advisory Panel 20650

CIVIL AERONAUTICS BOARD

Notices

Hearings, etc.:
Eastern Air Lines 20645
Universal Air Travel Plan 20645

COAST GUARD

Rules

Collision regulations; international:
Alternative compliance; correction 20625

Notices

Equipment, construction, and materials; approvals and terminations 20696
Meetings:
Boating Safety Advisory Council, National (2 documents) 20696
Ship Structure Committee 20697

COMMERCE DEPARTMENT

See also Domestic and International Business Administration; National Oceanic and Atmospheric Administration.

Notices

Committees; establishment, renewals, etc.:
Caribbean and Pacific Fishery Management Councils, advisory panels 20650

DEFENSE DEPARTMENT

See Army Department.

DELAWARE RIVER BASIN COMMISSION

Notices

Comprehensive plans, applications for new projects and proposed fourth annual Water Resources Program 20651

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION

Notices

Export privileges, actions affecting:
International Engineering Co. 20647
Lee, Danny 20645
Meetings:
Computer Systems Technical Advisory Committee 20650
Scientific articles; duty free entry:
University of Michigan; correction 20647

EDUCATION OFFICE

Proposed Rules

Student consumer information services, etc.; meetings 20803

Notices

Audit appeals:
Utah 20673
Meetings:
Women's Educational Programs National Advisory Council 20673

ENVIRONMENTAL PROTECTION AGENCY

Proposed Rules

Toxic substances:
Rulemaking procedures 20640

Notices

Air pollution; ambient air monitoring reference and equivalent methods 20652
Committees, establishment, renewals, etc.:
State-Federal FIFRA Implementation Advisory Committee 20652
Meetings:
Science Advisory Board 20652

FARM CREDIT ADMINISTRATION

Rules

Organization and functions:
Farm Credit System 20617

FEDERAL AVIATION ADMINISTRATION

Rules

Airworthiness directives:
Cessna 20618
Messerschmitt-Bolkow-Blohm 20617
Control zones 20618
Control zones and transition areas 20620
Jet routes (2 documents) 20623, 20624
Restricted areas 20622
Standard instrument approach procedures 20624
Transition areas (3 documents) 20619, 20621
VOR Federal airways (4 documents) 20619, 20620, 20622

Proposed Rules

Transition areas (2 documents) 20634, 20635
VOR Federal airways and jet routes; correction 20634

Notices

Air traffic control towers:
Cheyenne, Wyo.; hours of operation reduced 20697

FEDERAL COMMUNICATIONS COMMISSION

Proposed Rules

FM broadcast stations; table of assignments:
Kansas 20643
North Carolina 20644

Notices

Rulemaking proceedings filed 20653
Hearings, etc.:
Lipper, A. Michael et al 20652

FEDERAL ELECTION COMMISSION

Notices

Advisory opinion request 20771

FEDERAL GRAIN INSPECTION SERVICE

Notices

Grain standards; inspection points:
California 20645
Louisiana and Texas 20645

FEDERAL MARITIME COMMISSION

Notices

Complaints filed:
United Nations and Hellinic Lines Ltd. 20654
Agreements filed:
Far East Conference and Pacific Westbound Conference members lines discussion 20653
Richmond, City of, California and Matson Terminals, Inc. 20653

FEDERAL POWER COMMISSION

Notices

Area rate proceedings:
Permian Basin Area II 20661
Rocky Mountain 20661
Emergency Natural Gas Act; supplemental orders (2 documents) 20660
Hearings, etc.:
Connecticut Light and Power Co. (3 documents) 20654, 20655
Florida Power & Light Co. 20655
Georgia Power Co. 20656
Indiana & Michigan Electric Co. 20656
National Fuel Gas Supply Corp. 20657
North Counties Hydro-Electric Co 20658
Northern States Power Co. 20658
Oil and Gas Futures Inc. of Texas 20658
Mehrtens, Paul H. 20658
Public Service Co. of New Mexico (2 documents) 20658, 20659
Public Utility District No. 1 of Chelan County, Washington 20659
Sears, Herbert W. 20656
Transcontinental Gas Pipe Line Corp 20659
Trunkline Gas Co. 20660
Underwood, R. Clay 20659
Virginia Electric & Power Co. 20660

FEDERAL RESERVE SYSTEM

Notices

Board action; applications and reports 20665
Applications, etc.:
American General Insurance Co 20662
Central Wisconsin Bankshares, Inc 20662
Chemical Financial Corp. 20663
Crown Bancshares, Inc. 20663
Glen-An Corp. 20663
Guaranty Bancshares Corp. 20664
Preferred Management Co. 20664
Republic of Texas Corp. 20664

FEDERAL TRADE COMMISSION

Notices

Consent orders:
Men's Wear International, Inc., et al 20668
Minnesota State Medical Association, et al 20669

FISH AND WILDLIFE SERVICE

Proposed Rules

Endangered and threatened species; fish, wildlife, and plants:
Crocodylia; correction 20644

GENERAL ACCOUNTING OFFICE

Notices

Regulatory reports review; proposals, approvals, etc 20672

GEOLOGICAL SURVEY

Notices

Coal leasing areas:
North Dakota (2 documents) 20682

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See also Education Office; Human Development Office; Public Health Service.

Notices

Committees; establishment, renewals, etc.:
National Health Insurance Issues Advisory Committee 20675
Meetings:
Protection of Human Subjects of Biomedical and Behavioral Research, National Commission 20675
Organization, functions, and authority delegations:
Social Security Administration; Advanced Systems Office 20676

HUMAN DEVELOPMENT OFFICE

Notices

Vocational rehabilitation agencies and facilities, State; grant applications closing date 20673

INDIAN AFFAIRS BUREAU

Notices

Alcoholic beverages, introduction, sale and possession; legalizing:
Fort Independence Indian Reservation, Calif 20681
Judgment funds; plan for use and distribution:
Seneca Indians 20681

INTERIOR DEPARTMENT

See also Fish and Wildlife Service; Geological Survey; Indian Affairs Bureau; Land Management Bureau; National Park Service.

Notices

Colorado River Storage Project; proposed general power marketing criteria 20682
Procurement actions, legal review; Southeastern Power Administration 20684

INTERSTATE COMMERCE COMMISSION

Notices

Abandonment of railroad services:
Warren & Quachita Valley Railway Co. et al 20701
Car service exemptions, mandatory (3 documents) 20697, 20698
Fourth section applications for relief 20698
Hearing assignments 20697
Motor carriers:
Irregular route property carriers; gateway elimination 20709
Temporary authority applications 20704
Transfer proceedings 20701
Petitions, applications, finance matters (including temporary authorities), railroad abandonments, alternate route deviations, and intrastate applications 20722
Railroad freight rates and charges; calculation of interest rates; revised procedures 20701
Rerouting of traffic:
Green Mountain Railroad Corp. 20698
Virginia & Maryland Railroad Co 20701

LAND MANAGEMENT BUREAU

Rules

Recreation, outdoor:
Commercial exploitation of desert plants; fire closure orders enforcement; criminal penalties 20625

Notices

Alaska native selections; applications, etc.:
Alaska, State of, et al 20677
Arctic Slope Regional Corp 20679
Applications, etc:
Colorado 20680
Coal lease offering by sealed bid and oral auction, Colorado; hearing; correction 20681
Meeting:
Land classification; Alaska; correction 20681
Opening of public lands:
Oregon 20681
Withdrawal and reservation of lands, proposed, etc.:
Colorado; correction 20680

MANAGEMENT AND BUDGET OFFICE

Notices

Clearance of reports; list of requests 20694

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Notices

Meetings:
Highway Safety National Advisory Committee, Truck and Bus Safety Subcommittees 20697

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Notices

Meetings:
Pacific Fishery Management Council and Scientific and Statistical Committee 20649

NATIONAL PARK SERVICE

Notices

Authority delegations:
Archeology and Historic Preservation Office, Chief 20682

NATIONAL SCIENCE FOUNDATION

Notices

Meeting:
Science for Citizens Advsiory Committee 20685

NATIONAL TRANSPORTATION SAFETY BOARD

Notices

Safety recommendations and accident reports; availability, response, etc 20692

NUCLEAR REGULATORY COMMISSION

Notices

Meetings:
Reactor Safeguards Advisory Committee 20691
Regulation of medical use of radioisotopes and Medical Uses of Isotopes Advisory Committee 20691
Regulatory guides; issuance and availability 20690
Applications, etc.:
Commonwealth Edison Co. 20685
Exxon Nuclear Co., Inc 20690
Iowa Electric Light & Power Co. (2 documents) 20685, 20686
Metropolitan Edison Co., et al. (2 documents) 20686
Offshore Power Systems 20686
Portland General Electric Co., et al 20687
Power Authority of the State of New York, Inc 20687
Puget Sound Power & Light Co., et al 20687
Stone & Webster Engineering Corp 20688
Vermont Electric Cooperative et al 20690
Vermont Yankee Nuclear Power Corp 20689
Virginia Electric & Power Co. (2 documents) 20689
Washington Public Power Supply System et al 20690

PIPELINE SAFETY OPERATIONS OFFICE

Proposed Rules

Liquefied natural gas facilities; Federal safety standards; inquiry 20775

POSTAL RATE COMMISSION

Proposed Rules

Sunshine Act; implementation 20639

Notices

Mail classification and basic mail classification reform schedules, 1976; transfer of issue 20694

POSTAL SERVICE

Notices

Privacy Act; systems of records 20805

PUBLIC HEALTH SERVICE

Notices

Health maintenance organizations, qualified 20676

SMALL BUSINESS ADMINISTRATION

Notices

Disaster areas:
- Alabama 20695
- New Jersey 20695
- Virginia 20695
- West Virginia 20695
- Wisconsin 20695

TRANSPORTATION DEPARTMENT

See Coast Guard; Federal Aviation Administration; National Highway Traffic Safety Administration; Pipeline Safety Operations Office.

TREASURY DEPARTMENT

Proposed Rules

Practice before Internal Revenue Service 20635

list of cfr parts affected in this issue

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

7 CFR

907 20626

PROPOSED RULES:

7 20628

12 CFR

600 20617
611 20617

14 CFR

39 (2 documents) 20617, 20618
71 (11 documents) 20618–20623
75 (2 documents) 20623, 20624
97 20624

PROPOSED RULES:

71 (2 documents) 20634

31 CFR

PROPOSED RULES:

10 20635

33 CFR

87 20625

39 CFR

PROPOSED RULES:

3001 20639

40 CFR

PROPOSED RULES:

750 20640

43 CFR

6010 20625

45 CFR

PROPOSED RULES:

144 20803
168 20803
175 20803
176 20803
178 20803
178a 20803
190 20803

47 CFR

PROPOSED RULES:

73 (2 documents) 20643, 20644

49 CFR

PROPOSED RULES:

193 20776

50 CFR

PROPOSED RULES:

17 20644

CUMULATIVE LIST OF PARTS AFFECTED DURING APRIL

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during April.

1 CFR

Ch. I 17413

3 CFR

PROCLAMATIONS:

852 (See PLO 5615) 18859
4485 (See Proc. 4495) 18053
4495 18053
4496 18855
4497 19315
4493 19317
4499 19319
4500 19475
4501 20111
4502 20281

MEMORANDUMS:

April 1, 1977 18269

4 CFR

415 18857

5 CFR

213 ..... 17411, 17414, 18082, 18607, 18608, 19147, 19853, 19854
430 18608
713 19147

PROPOSED RULES:

552 19882

7 CFR

75 19864
230 18587
272 20283
354 18587
722 ..... 17414, 18055
723 17414
728 17419
729 17419
775 17420
794 17421
905 18271
907 ..... 18387, 19477, 20113, 20626
908 20473
910 ..... 17420, 18055, 18587, 19865
928 17422
944 18271
981 19321
991 18857
1063 17423
1070 17423
1078 17423
1079 17423
1260 19865
1421 18055
1472 20113
1888 19322
1918 20284

PROPOSED RULES:

7 20628
Ch. VII 19885
728 17456
730 17457
908 ..... 17457, 17879
918 18621
929 20143
945 ..... 19148, 20476
959 18404
967 17458
989 17463
1002 18950

7 CFR—Continued

PROPOSED RULES—Continued

1006 20143
1068 19350
1260 19885
1421 19149
1425 19149
1446 20302
1464 20476
1822 20302

8 CFR

100 17434
211 19477
223a 19477

9 CFR

72 19854
78 17434
331 18609
381 18609

10 CFR

0 20138
20 20138
50 20139
51 18387
140 20139

PROPOSED RULES:

9 20145
211 19499
212 19499
213 17470
420 20302
430 19499
440 ..... 17470, 20476
450 ..... 20012, 20557

11 CFR

Ch. I 19324

12 CFR

203 19123
217 20284
226 ..... 17865, 18056, 19124, 20455
329 19324
342 19325
600 20617
611 20617
614 20457
619 20457
720 18057
760 20114

PROPOSED RULES:

208 20477
217 19350
226 20478
309 19351
526 18404
545 17483
561 17483
611 19888
615 19888
618 19888

13 CFR

108 18388
112 20286
121 20457

14 CFR

39 ..... 17865–17868, 18388–18390, 18857, 18858, 20114, 20115, 20617, 20618
61 18390
71 ..... 17868, 17869, 18859, 20116, 20618–20623
75 ..... 20623, 20624
97 ..... 18391, 20117, 20624
101 19478
121 18394
123 18394
135 18394
207 20118
208 20119
221 ..... 19125, 20458
241 20286
296 20119
300 17436
385 20120
1206 17869

PROPOSED RULES:

39 ..... 17879, 17880, 18405, 18861, 20145, 20146
71 ..... 18406, 18861, 19491, 20147, 20634
183 18407
221 19355
288 18282
302 17484
399 18282

15 CFR

371 18397
376 18398
377 18398
386 18401
932 19854

PROPOSED RULES:

803 19888
806 19888

16 CFR

13 ..... 18057, 19480–19487, 20287–20290
28 19860
64 19860
149 19860
193 19860
220 19860
433 19487
502 18057
703 20290
1500 18850
1700 20291

PROPOSED RULES:

438 20303
1500 20479
1700 ..... 20148, 20303

17 CFR

240 19126

PROPOSED RULES:

1 18246
32 18246
240 18621

18 CFR

3 17448
3c 17448, 20459
260 20292
295 19860

18 CFR—Continued

PROPOSED RULES:

101 20303
104 20303
141 20303
260 20303
295 ..... 19154, 19895

19 CFR

159 ..... 18587, 19127, 19326, 19327

20 CFR

210 18058
404 18272
405 18274
416 17440

PROPOSED RULES:

404 ..... 17484, 17881
405 17485
602 ..... 17486, 20312
655 20312

21 CFR

10 19127
12 19127
25 19990
105 20292
135 ..... 19127, 19134
175 18610
177 18611
330 19137
430 19142
436 18058
442 18058
444 18059
510 ..... 18059, 18060, 18614, 19860
520 ..... 19143, 19860
540 19861
556 ..... 18614, 18619
558 ..... 18059, 18060, 18614, 18619, 19143
561 18620
601 ..... 19142, 19993
701 18061
1002 18061
1010 18061

PROPOSED RULES:

109 17487
145 19996
150 19996
172 19996
180 19996
189 19996
201 19156
250 20313
310 19996
330 19156
342 17642
430 19996
431 18621
510 19996
514 18621
589 19996
700 19996
1020 17494
1040 17495

22 CFR

46 19478
6a 18063, 18064
51 ..... 17869, 18588
1004 20460

24 CFR

16 20297
203 17452
207 17452
220 17452
570 20250
890 18064
1914 ..... 19446–19452, 19598–19600, 20121
1915 19601–19603
3500 19327

PROPOSED RULES:

1917 ..... 17684–17697, 18238–18240

25 CFR

PROPOSED RULES:

171 18083
172 18083
173 18083
177 18083
182 18083
183 18083
260 20480

26 CFR

1 20123
7 ..... 17870, 18275, 19479
11 20297
31 17873
33 17873
404 ..... 17452, 19144, 19479

PROPOSED RULES:

1 18621

28 CFR

16 19145

29 CFR

675 18064
678 18065
694 18588

PROPOSED RULES:

2608 20156
2611 20158

30 CFR

75 18859
211 ..... 18065, 18068, 18071

PROPOSED RULES:

211 18862

31 CFR

10 20635
51 ..... 18362, 19479, 20298
530 18073

32 CFR

199 17972
287a 20298
581 17441
723 18276
724 18589

PROPOSED RULES:

290 19356
505 ..... 18863, 20314

33 CFR

87 ..... 18401, 20625
110 17874
127 19490
183 20242

PROPOSED RULES:

164 17889
209 18863

35 CFR

7 17874

36 CFR

7 20462
221 17875

39 CFR

199 17972
221 18859
222 18859
224 18859
232 17443
3001 18075

PROPOSED RULES:

111 18754
3001 20639

40 CFR

51 19861
52 ..... 17876, 20130–20132, 20462
86 20463
180 17443
415 17443
421 17444

PROPOSED RULES:

52 ..... 17496–17498, 19359, 20480
128 20314
180 17499
403 20314
700 19298
710 19298
750 20640

41 CFR

4–12 20464
4–18 ..... 20465, 20466
60–250 19145
60–741 19145
101–38 19328
1500 18111

42 CFR

122 ..... 18279, 18606
123 18607

PROPOSED RULES:

35 17500
59 18947
101 17501

43 CFR

423 19610
6010 20625

PUBLIC LAND ORDERS:

1127 (Revoked in Part by PLO 5615) 18859
5614 18401
5615 18859

PROPOSED RULES:

2610 18100
2850 20315

45 CFR

103 17444
115 18279
121f 20298
116c 19286
235 17877
614 17447
1005 19329
1050 ..... 17447, 18034
1067 18402
1068 20468

PROPOSED RULES:

100a 18542, 18584, 18864
100b 18542, 18584

45 CFR—Continued
PROPOSED RULES—Continued
100c ... 18542, 18584
104 ... 18542, 18584
105 ... 18542, 18584
115 ... 18282
144 ... 18738, 20803
160f ... 17700, 19161
168 ... 18743, 20803
173 ... 17889
175 ... 18738, 20803
176 ... 18738, 20803
178 ... 18747, 20803
178a ... 18750, 20803
189 ... 18282
190 ... 18738, 20803
192 ... 18407
194 ... 18864
195 ... 18865
198 ... 18283

46 CFR
PROPOSED RULES:
148 ... 17889
401 ... 20162

47 CFR
0 ... 20133
2 ... 20469
15 ... 20472

47 CFR—Continued
73 ... 18280
76 ... 19329, 20133, 20134
81 ... 19862
83 ... 20135, 20300
87 ... 20137, 20469
89 ... 20259
91 ... 20264
93 ... 20269
PROPOSED RULES:
63 ... 20317
73 ... 18286, 18287, 19160, 19491, 20152, 20153, 20317–20319, 20643, 20644
76 ... 17502, 18103, 19492
81 ... 18408
87 ... 19498
97 ... 18103

49 CFR
301 ... 18081
385 ... 18077
386 ... 18077
391 ... 18081

49 CFR—Continued
1033 ... 17447, 17448, 18081
1254 ... 19146
PROPOSED RULES:
Ch. II ... 19359
172 ... 17891
173 ... 18409
175 ... 17891
178 ... 18409
193 ... 20776
195 ... 18412
218 ... 20154
395 ... 17891
396 ... 18103
531 ... 18413
537 ... 18867

50 CFR
17 ... 18106, 18109
33 ... 20301
611 ... 18607
PROPOSED RULES:
17 ... 18287, 20644
651 ... 20156

FEDERAL REGISTER PAGES AND DATES—APRIL

Pages	*Date*	*Pages*	*Date*
17413–17864	Apr. 1	19315–19473	13
17865–18052	4	19475–19852	14
18053–18268	5	19853–20109	15
18269–18386	6	20111–20279	18
18387–18585	7	20281–20454	19
18587–18854	8	20455–20616	20
18855–19122	11	20617–20807	21
19123–19313	12		

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

DOT/FAA—Alteration of control zone and transition areas:
Chesterfield, Missouri..... 5693; 1–31–77
Killeen, Texas..... 5694; 1–31–77
Alteration of control zone in Hopkinsville, KY..... 13272; 3–10–77
Jefferson Proving Ground, Ind.; enlargement of, subdivision of, and renumbering of restricted area R–3404..... 13273; 3–10–77
Andrews, S.C.; designation of transition area..... 13819; 3–14–77
Control zones; Sanford, Fla..... 5038; 1–27–77
Control zone and transition area in Oceana, Va..... 9672; 2–17–77
Control zones and transition areas in Richmond, Va..... 10843; 2–24–77
Control zone, Lebanon, N.H..... 8364; 2–10–77
Control zone and transition area in Florida..... 3170; 1–17–77
Federal airways; Hobby, Tex..... 55332; 12–20–76
Federal airways, Ind. and Ohio.... 8364; 2–10–77
Federal Airways; designation; California. 11236; 2–28–77
Gordon, Nebr.; designation of transition area..... 12167; 3–3–77
Jet Routes, Colorado to Canada.. 7125; 2–7–77
Positive control area, alteration; Alaska. 7123; 2–7–77
Special use airspace; designation of temporary restricted area; Savannah, Ga. vicinity..... 7122; 2–7–77
Standard instrument and approach procedures; changes and additions. 12168; 3–3–77
Terminal control area, Atlanta, Ga. 14861; 3–17–77
Transition area; Camilla, Georgia. 11236; 2–28–77
Transition area; Upper Sandusky, Ohio. 11236; 2–28–77
Transition area in Seattle, Wash... 9672; 2–17–77
Transition area; Camden, Tennessee. 11237; 2–28–77
Transition area; designation; Hemingway, South Carolina..... 11236; 2–28–77
Transition area in Englishtown, NJ. 10843; 2–24–77
VOR Airways and Jet routes in Biscayne Bay and Vero Beach, Fla..... 10843; 2–24–77
VOR Federal Airways; Alaska..... 7123; 2–7–77
VOR airways, revocation; Fla..... 7121; 2–7–77
VORTAC name change in airways; South Carolina..... 7123; 2–7–77
FCC—FM broadcast station in Cody, Wyo.; change in table of assignments.. 15065; 3–18–77
Labor/W&H—Employees of the Furniture, fixtures, lumber and wood products industry in Puerto Rico, wage rate order..... 18064; 4–5–77
Employees of the stone, clay and glass products and nonmetallic mining industry in Puerto Rico, wage order. 18065; 4–5–77

List of Public Laws

This is a continuing numerical listing of public bills which have become law, together with the law number, the title, the date of approval, and the U.S. Statutes citation. The list is kept current in the FEDERAL REGISTER and copies of the laws may be obtained from the U.S. Government Printing Office.

H.R. 5717.....Pub. L. 95–21
To provide for relief and rehabilitation assistance to the victims of the recent earthquakes in Romania. (Apr. 18, 1977; 91 Stat. 48)
Price: $.35

H.R. 3365.....Pub. L. 95–22
To extend the authority for the flexible regulation of interest rates on deposits and accounts in depository institutions. (Apr. 19, 1977; 91 Stat. 49)
Price: $.35

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 12—Banks and Banking

CHAPTER VI—FARM CREDIT ADMINISTRATION

PART 600—ORGANIZATION AND FUNCTIONS

PART 611—ORGANIZATION

Farm Credit System

AGENCY: Farm Credit Administration.

ACTION: Final rule.

SUMMARY: The Farm Credit Administration, by its Federal Farm Credit Board, took final action to update its regulations covering the organization of the Farm Credit System. These amendments (1) show the changed location of the Central Bank for Cooperatives which is Denver, Colorado, and the change in name of the Farm Credit District No. 11 from Berkeley District to Sacramento District, and (2) describe certain supervisory responsibilities of the Farm Credit banks.

EFFECTIVE DATE: April 6, 1977.

FOR FURTHER INFORMATION CONTACT:

Jon F. Greeneisen, Deputy Governor, Office of Administration, Farm Credit Administration, 490 L'Enfant Plaza, SW., Washington, D.C. 20578, 202–755–2181.

SUPPLEMENTARY INFORMATION: Since these amendments are technical changes which relate to organization of the Farm Credit System, it is found that notice of proposed rulemaking is unnecessary to the public interest.

Chapter VI of Title 12 of the Code of Federal Regulations is amended by revising § 600.10(a) and Part 611, Subparts D and E as follows:

1. Section 600.10(a) is revised to read as follows:

§ 600.10 Farm credit districts.

(a) The United States is divided into 12 Farm Credit districts. In each district there are a Federal land bank and a number of Federal land bank associations, a Federal intermediate credit bank and a number of production credit associations, and a bank for cooperatives. Additionally, there is a Central Bank for Cooperatives located in Denver, Colorado. The three banks in each district maintain their offices together. The city in which their offices are located in each district and the area comprising each district are as follows:

District name	District No.	District States
*	*	* * *
Sacramento.	11	California, Nevada, Utah, Arizona, and Hawaii.
*	*	* * * * *

2. In Part 611, Subparts D and E are revised to read as follows:

Subpart D—Farm Credit System

The Farm Credit System includes the Federal land banks, the Federal land bank associations, the Federal intermediate credit banks, the production credit associations, and the banks for cooperatives. Each of these institutions is an instrumentality of the United States for carrying out the congressional policy and objective. Each is chartered by the Farm Credit Administration, an independent agency of the Executive Branch of the United States Government, and subject to regulation and supervision by the Farm Credit Administration. The banks have immediate supervisory responsibility over the associations in their district, and as owner(s) or as a participating user over data processing operations. Together with their boards, the banks prescribe the powers, duties, authorities and functions of FARMBANK Services. FARMBANK Services is under the direction and control of its Governing Body.

Subpart E—Farm Credit Districts

The United States is divided into 12 Farm Credit districts. The designation and the States and other areas embraced in each district are as follows:

District name	District No.	District States
*	*	* * *
Sacramento.	11	California, Nevada, Utah, Arizona, and Hawaii.

(Secs. 5.9, 5.12, 5.18, 85 Stat. 619, 620, 621.)

DONALD E. WILKINSON,
Governor,
Farm Credit Administration.

[FR Doc.77-11523 Filed 4-20-77;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 16726; Amdt. 39-2880]

PART 39—AIRWORTHINESS DIRECTIVES

Messerschmitt-Bolkow-Blohm (MBB) Model BO–105A and BO–105C Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new airworthiness directive which requires either the installation of a placard prohibiting external load operations or certain electrical wiring changes on Messerschmitt-Bolkow-Blohm (MMB) Model BO–105A and BO–105C helicopters. The AD is needed because of an electrical wiring problem which could prevent emergency release of the external load and cause the loss of the helicopter.

EFFECTIVE DATE: May 6, 1977. Initial compliance required within the next 5 hours time in service after the effective date of this AD.

ADDRESSES: The applicable service bulletin may be obtained from Messerschmitt-Bolkow-Blohm GmbH, Helicopter Division, 8000 Munchen-Ottobrunn, Federal Republic of Germany or Boeing Vertol Company, Mail Stop P31–69, P.O. Box 16858, Philadelphia, Pennsylvania, 19142, telephone (215) 522–2755.

A copy of the service bulletin is contained in the rules docket for this amendment in Rm. 916, 800 Independence Avenue S.W., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

M. E. Gaydos, Aircraft Certification Staff, AEU–100, Europe, Africa, and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, Telephone 513.38.30.

SUPPLEMENTARY INFORMATION: The FAA has determined that the electrical circuits of the external-load hook emergency release on certain MBB Model BO–105A and BO–105C helicopters have been incorrectly wired and could prevent emergency release of the external load which could cause the loss of the helicopter. Since this condition is likely to exist or develop on other helicopters of the same type design, an airworthiness directive is being issued which requires either the installation of a placard prohibiting external load operations or the replacement of a specified electrical wiring bundle and change of wiring connections on MBB Model BO–105A and BO–105C helicopters.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Accordingly, and pursuant to the authority delegated to me by the Admin-

istrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive:

MESSERSCHMITT-BOLKOW-BLOHM (MBB). Applies to Model BO-105A and BO-105C helicopters, serial numbers S101 through S200, certificated in all categories, that incorporate external load hook assembly P/N 105-80322.

Compliance is required as indicated, unless already accomplished.

To prevent the possible inability to release an external load, accomplish the following:

(a) Within the next 5 hours time in service after the effective date of this AD, either:

(1) Install an operating limitation placard on the instrument panel in full view of the pilot, setting forth the following limitation "External Load Operations Prohibited"; or

(2) Replace wire bundle 22VB, P/N 105-98327, with new bundle, P/N 105-98326, and change the wiring connection of the associated connector plug 5MDA in accordance with subparagraph 2B of MBB Service Bulletin No. 80-21, dated July 25, 1975, or equivalent approved by the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Region, c/o American Embassy, A.P.O. New York, N.Y. 09667.

(b) The operating limitation placard required by paragraph (a)(1) of this AD may be removed upon compliance with paragraph (a)(2) of this AD.

This amendment becomes effective May 6, 1977.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C. on April 14, 1977.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.77-11423 Filed 4-20-77;8:45 am]

[Docket No. 77-CE-8-AD; Amdt. 39-2876]

PART 39—AIRWORTHINESS DIRECTIVES

Cessna 337, T337 and M337 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final Rule.

SUMMARY: This amendment adds a new Airworthiness Directive (AD) requiring the installation of a placard in Cessna 337, T337 and M337 series airplanes which prohibits the initiation of single engine takeoffs which could result in an aircraft accident.

EFFECTIVE DATE: April 28, 1977.

Compliance required within next 25 hours' time in service after the effective date of this AD.

ADDRESSES: Cessna Service Letter ME 77-8, dated March 28, 1977, pertains to this AD and may be obtained from Cessna Aircraft Company, Marketing Division, Wichita, Kansas 67201.

FOR FURTHER INFORMATION CONTACT:

Donald L. Page, Aerospace Engineer, Engineering and Manufacturing Branch, FAA, Centeral Region, 601 East 12th Street, Kansas City, Missouri 64106, telephone 816-374-3446.

SUPPLEMENTARY INFORMATION: The FAA issued AD 71-17-8, Amendment 39-1273, effective August 24, 1971, and published in the FEDERAL REGISTER on August 21, 1971 (36 FR 16505), which required installation of an operating placard in Cessna Model 337 airplanes to preclude inadvertent takeoffs with only one engine operating. After issuance of AD 71-17-8, the FAA determined as a result of accident investigations, that pilots of Cessna 337 and T337 airplanes intentionally initiated takeoffs with only one engine operating. While it is apparently the opinion of some pilots that single engine takeoffs in these airplanes can be successfully accomplished and are permissible, such takeoffs cannot be successfully made under all conditions of aircraft loading, field elevation and temperature and are an unsafe operating practice. To preclude this condition from developing in other airplanes of the same type design, an AD is being issued requiring the installation of a placard in Cessna 337, T337 and M337 airplanes which warns pilots that single engine takeoffs are unsafe and not permissible. Cessna Service Letter ME77-8 pertains to the subject matter of this AD.

Under the circumstances presented the FAA concludes that there is an immediate need for a regulation to provide for the safe operation of the affected airplanes. Therefore, notice and public procedure under 5 U.S.C. 553(b) is impracticable and contrary to public interest and good cause exists for making this amendment effective in less than thirty (30) days after its publication.

Accordingly, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended effective April 28, 1977, by adding the following new AD:

CESSNA. Applies to 337 Series (Serial Numbers 337-0002 through 33701783), T337 Series (Serial Numbers 337-0001, 337-0526 through 33701398 and P3370001 through P3370271) and M337 Series (Serial Numbers 337-M0001 through 337-M0467) airplanes.

Compliance: Required as indicated, unless already accomplished.

To prevent single engine takeoffs, within the next 25 hours' time in service after the effective date of this AD, accomplish the following:

A. Install a Cessna P/N 1400019-77 placard right of the tachometer instrument which reads as follows: "Do Not Initiate Single Engines Takeoff", and operate the aircraft in accordance with this limitation.

B. Any equivalent method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

C. Cessna Service Letter ME77-8, dated March 28, 1977, or later approved revisions pertains to the subject matter of this AD.

This amendment becomes effective April 28, 1977.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); § 11.81 of the Federal Aviation Regulations (14 CFR 11.81).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Kansas City, Missouri, on April 7, 1977.

C. R. MELUGIN, Jr.,
Director, Central Region.

[FR Doc.77-11382 Filed 4-20-77;8:45 am]

[Airspace Docket No. 77-SW-14]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone: Santa Fe, New Mexico

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment changes the effective hours of operation of the Santa Fe, New Mexico, control zone to coincide with the hours of operation of the Santa Fe Air Traffic Control Tower (ATCT) which were reduced from continuous to 0600 to 2200 local time. This reduces the availability of special weather observations accordingly and necessitates the change in the control zone hours of operation to conform to the air traffic control tower hours of operation.

EFFECTIVE DATE: June 16, 1977.

FOR FURTHER INFORMATION CONTACT:

John A. Jarrell, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Forth Worth, Texas 76101, telephone 817-624-4911, extension 302.

SUPPLEMENTARY INFORMATION: In Subpart F, § 71.171 (42 FR 355) of FAR Part 71, the Santa Fe control zone is designated as continuous (through the omission of any reference to specific dates and times of operation). This conforms with the air traffic control tower hours of operation. Special weather observations are provided on a 24-hour basis which is one of the requirements for a continuous control zone operation.

A traffic survey was completed on August 29, 1976, which indicated insufficient activity to retain the continuous control tower operation. On June 16, 1977, the air traffic control tower hours of operation will be reduced to 0600 to 2200 local time daily. This will necessitate a similar reduction in the control zone hours of operation.

The aforementioned action will reduce the constraints and, in effect, the impact on the user imposed by the control zone operation. Consequently, we have elected to omit circularization of the change for comment.

Accordingly, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., June 16, 1977, as follows:

In Subpart F, § 71.171 (42 FR 355), the Santa Fe, New Mexico, control zone is amended by adding the following sentence:

This control zone is effective during the specific dates and times established in advance by a notice to airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Fort Worth, Texas, on April 13, 1977.

PAUL J. BAKER,
Acting Director, Southwest Region.

[FR Doc.77-11425 Filed 4-20-77;8:45 am]

[Airspace Docket No. 77-SO-2]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airway

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters a segment of VOR Federal Airway identified as V-35W between Sugarloaf Mountain, N.C., and Holston Mountain, Tenn. This action reduces the existing V-35W mileage between Sugarloaf Mountain and Holston Mountain. A review of the existing airway indicated that a realignment would improve the airway.

EFFECTIVE DATE: June 16, 1977.

FOR FURTHER INFORMATION CONTACT:

Richard Huff, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591, telephone 202-426-3715.

SUPPLEMENTARY INFORMATION: V-35W is presently aligned in part from Sugarloaf Mountain VOR via intersection of Sugarloaf Mountain VOR 301° T (303° M) and Holston Mountain VOR 209° T (211° M) radials to Holston Mountain VOR. The distance between Sugarloaf Mountain and Holston Mountain via this alignment is 80 nautical miles. On March 3, 1977, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (42 FR 12190 and 14885) starting that the FAA was considering an amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) that would realign V-35W in part from Sugarloaf Mountain VOR via intersection of Sugarloaf 329° T (331° M) and Holston Mountain VOR 203° T (205° M) radials to Holston Mountain VOR. The distance between Sugarloaf Mountain and Holston Mountain via this alignment is 69 nautical miles or a reduction of 11 nautical miles. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. We received one response to the NPRM in which the commenter posed no objection to the proposal.

THE RULE

Accordingly, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 16, 1977, as hereinafter set forth.

Section 71.123 (42 FR 307, 7121 and 12167) is amended as follows:

In V-35 "Sugarloaf Mountain 301° and Holston Mountain 209°" is deleted and "Sugarloaf Mountain 329° and Holston Mountain 203°" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE.—The FAA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on April 14, 1977.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.77-11428 Filed 4-20-77;8:45 am]

[Airspace Docket No. 76-WE-30]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Areas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment realigns the Oxnard, Calif., and Santa Barbara, Calif., transition area boundaries. At the present time a portion of the instrument approach to the Santa Barbara Airport from the south is not within controlled airspace. Realignment of these transition areas provides controlled airspace for this instrument approach.

EFFECTIVE DATE: June 16, 1977.

FOR FURTHER INFORMATION CONTACT:

David F. Solomon, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone 202-426-8530.

SUPPLEMENTARY INFORMATION: This amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) amends § 71.181 by realigning the lateral boundaries of the Oxnard, Calif., and the Santa Barbara, Calif., transition areas.

The primary area of a Santa Barbara instrument approach procedure, South Terminal Route, underlies a portion of the 5,000 feet Oxnard, Calif., transition area. The minimum altitude for this portion of the approach is 3,500 feet Mean Sea Level (MSL). In order to provide controlled airspace for the procedure, it is necessary to lower the floor of the transition area to 1,200 feet Above Ground Level (AGL). This action necessitates a change to both the Oxnard and Santa Barbara, Calif., transition areas.

Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. Two comments were received and none of them objected. Therefore, except for the required editorial change in format, this amendment is as stated in the proposed notice.

THE RULE

Accordingly, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (42 FR 440), is amended, effective 0901 G.m.t., June 16, 1977, as follows:

In § 71.181:

1. Oxnard, Calif., 5,000 feet MSL transition area, "Lat. 34°15'00"N." is deleted and "Lat. 34°08'00" N." is substituted therefor.

2. Santa Barbara, Calif., 1,200 feet AGL transition area, "Lat. 34°15'00" N., Long. 120°00'00" W., to Lat. 34°15'00" N., Long. 120°10'30" W.," is deleted and Lat. 34°08'00" N., Long. 120°00'00" W., to Lat. 34°08'00" N., Long. 120°26'00" W.," is substituted therefor.

(Sec. 307(a) and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1510), Executive Order 10854 (24 FR 9565); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on April 14, 1977.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.77-11431 Filed 4-20-77;8:45 am]

[Airspace Docket No. 77-EA-9]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area, Designation of Control Zone

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule will establish a part time controlled airspace (control zone) coincident with the hours of operation of the tower at the Essex County Airport. It will also change the name of the airport from Caldwell Wright to Essex County as it appears in the transition area description.

EFFECTIVE DATE: June 8, 1977.

ADDRESS: Copies of this Final Rule may be obtained from Chief, Airspace & Procedures Branch, AEA-530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, New York 11430.

FOR FURTHER INFORMATION CONTACT:

Frank Trent, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, telephone 212-995-3391.

SUPPLEMENTARY INFORMATION: A notice of proposed Rule Making was published in the FEDERAL REGISTER on Thursday, February 17, 1977, (42 FR 9683) which proposed to alter the New York, N.Y., Transition Area and designate a Caldwell, N.J., Control Zone.

Interested parties were given 30 days in which to submit comments on the proposal. The Airport Manager, Morristown Municipal Airport, raised the question of potential confliction of IFR traffic between Morristown and Caldwell airports. However, since the New York Common IFR Room has jurisdiction over both airports, it will provide adequate separation. There were no other objections.

Accordingly, and pursuant to the authority delegated to me by the Administrator, (14 CFR 11.69), § 71.171 and § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR 71.171 and 71.181) are amended, effective 0901 G.M.T. June 8, 1977, by adoption of the amendment as proposed except as follows:

1. Delete "0800 to 1600" and substitute "0900 to 1700"

(Secs. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 as amended by Executive Order 11949 and OMB Circular A-107.

Issued in Jamaica, New York, on March 25, 1977.

L. J. CARDINALI,
Acting Director,
Eastern Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by designating a Caldwell, N.J., control zone as follows:

CALDWELL, N.J.

Within a 5-mile radius of the center 40°52'24" N., 74°17'00" W., of Essex County Airport; within 3 miles each side of a 276° bearing from a point 40°52'48" N., 74°20'08" W., extending from the 5-miles radius zone to 8.5 miles west of said point; within 3 miles each side of a 237° bearing and a 057° bearing from the Paterson, N.J., RBN., extending from the 5-mile radius zone to 0.5 mile northeast of the RBN; within 3 miles each side of a 054° bearing from the Paterson, N.J., RBN, extending from the RBN to 8.5 miles northeast of the RBN; excluding the portion that coincides with the Morristown, N.J., control zone. This control zone is effective from 0900 to 1700 hours, local time, daily.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to amend the description of the New York, N.Y., 700-foot floor transition area by deleting "40°52'15" N., 74°17'00" W., of Caldwell-Wright Airport" and by inserting in lieu thereof, "40°52'24" N., 74°17'-00" W. of Essex County Airport".

[FR Doc.77-11427 Filed 4-20-77;8:45 am]

[Airspace Docket No. 77-SO-1]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Airway

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes an airway from LaBelle, Fla., via Sebring, Fla., to Lakeland, Fla., to provide the convenience and safety features of a charted route between Sebring and LaBelle/Lakeland. Pilots in the area requested establishment of the airway since a substantial number of flights presently operate to/from Sebring.

EFFECTIVE DATE: June 16, 1977.

FOR FURTHER INFORMATION CONTACT:

Wray McClung, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone: (202) 426-8530.

SUPPLEMENTARY INFORMATION: This amendment to Part 71 of the Federal Aviation Regulations (FARs) establishes an airway from LaBelle VOR via Sebring Airport to Lakeland VOR to make it safer and simpler to fly between Sebring and LaBelle or Lakeland. A VOR is a navigation aid commonly used in aircraft navigation to provide guidance signals or radials to properly equipped aircraft. Most aircraft, even small general aviation aircraft, are equipped to receive VOR radials. VORs are located at LaBelle and Lakeland but not at Sebring. Radials from the LaBelle and Lakeland VORs intersect over the Sebring Airport, thereby providing for an airway to Sebring almost as efficiently as would be possible with a VOR located on the Sebring Airport. If it becomes advisable to place a VOR at Sebring, budget, hardware, and installation actions would take four or five years before the VOR could be commissioned for use. The VOR radials forming the airway centerline and the airway minimum safe altitudes will be depicted on aeronautical charts. This will increase navigational accuracy by providing the pilot with the appropriate radials to fly to Sebring, and the appropriate radials to fly to avoid adjacent restricted areas where activities hazardous to flight may be conducted. The upper portion of this airway will lie within the Lake Placid Military Operations Area (MOA) where military jet aircraft perform acrobatic maneuvers during daylight hours Monday through Friday and occasionally at other times. The MOA is established from 7,000 feet above mean sea level (MSL) to 18,000 feet MSL. The airway will be established from 1,200 feet above the ground to 18,000 feet MSL, except that during the time the MOA is activated, the airway will exist only from 1,200 feet above the ground up to but not including 7,000 feet MSL.

THE RULE

This amendment to Part 71 of the Federal Aviation Regulations establishes an east alternate airway to VOR Federal Airway No. 157 from LaBelle, Fla., via the intersection of the LaBelle VOR 004° and Lakeland, Fla., VOR 132° radials (over the Sebring, Fla., Airport), to the Lakeland VOR.

On February 10, 1977, the FAA proposed this amendment in the FEDERAL REGISTER (42 FR 8391). Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. One comment was received and due consideration has been given to all matters presented. Except for editorial changes, and except as specifically discussed below, this amendment is the same as proposed in the notice.

DISCUSSION OF COMMENTS

The commenter on the proposed rule was the Department of Air Force and expressed concern that the proposed airway would encourage general aviation pilots to use the routing to Sebring with resultant traffic congestion near Restricted Area R-2901. The Air Force suggested that the airway be aligned farther to the west to provide more distance from R-2901. However, since the location of the airway centerline will provide adequate lateral clearance from R-2901, it will not be moved westward to provide added clearance. Criteria that has long been used and accepted prescribes a minimum clearance of 4.5° between airway centerlines and adjacent restricted areas for simultane-

ous use of the airway and restricted area. In this case, the clearance provided between R-2901 and the Lakeland VOR radial forming the airway centerline is 4.73°, well over the minimum required of 4.5°. The Air Force also suggested that since the Lake Placid MOA overlies the airway, the airway be established above 6,000 feet MSL only when the Lake Placid MOA is not active. The FAA agrees in principle with this suggestion, and will establish this as a full-time airway below 7,000 feet MSL, and a part-time airway above 7,000 feet MSL.

Accordingly, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 G.m.t., June 16, 1977, as follows:

In § 71.123, V-157 (42 FR 307), "Lakeland, Fla.;" is deleted and "Lakeland, Fla., including an E alternate via INT LaBelle 004° and Lakeland 132° radials;" is substituted therefor. Also, all after "Kingston, N.Y." is deleted and "The airspace within R-2901A and R-6602 is excluded. The airspace at and above 7,000 feet MSL which lies within the Lake Placid Military Operations Area is excluded during the time the Lake Placid Military Operations Area is activated." is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107

Issued in Washington, D.C., on April 14, 1977.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.77-11429 Filed 4-20-77;8:45 am]

[Airspace Docket No. 76-EA-93]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Change to final rule.

SUMMARY: These changes to the final rule will change the final approach course by one degree from 178° to 177° and reduce the daily duration of the transition area from twenty-four (24) hours to from sunrise to sunset. The original rule established a controlled airspace (transition area) to provide protection for aircraft making instrument approaches and departures from Dansville Municipal Airport. This change will also change the effective date of the transition area from April 14, 1977, to April 21, 1977.

EFFECTIVE DATE: 0901 G.m.t., April 21, 1977.

ADDRESSES: Copies of this final rule may be obtained from Chief, Airspace & Procedures Branch, AEA-530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, New York 11430.

FOR FURTHER INFORMATION CONTACT:

Frank Trent, Airspace & Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone (212) 995-3391.

SUPPLEMENTARY INFORMATION: A final rule was published in the FEDERAL REGISTER on February 24, 1977, (42 FR 10843) which designated a Dansville, N.Y., Transition Area, so as to provide additional controlled airspace protection for IFR arrivals and departures at the airport.

These changes are of both a minor and less restrictive nature and notice and public procedure hereon are unnecessary and good cause exists for making the changes effective in less than 30 days.

Accordingly, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.69), Airspace Docket No. 76-EA-93 is amended, effective April 21, 1977, as follows:

1. Delete "178°" where it appears and substitute "177°"

2. Add the following sentence to the description "This transition area is effective from sunrise to sunset daily"

3. Delete effective date April 14, 1977, and substitute April 21, 1977.

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749 (49 U.S.C. 1348(a))); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 as amended by Executive Order 11949 and OMB Circular A-107.

Issued in Jamaica, New York, on April 11, 1977.

L. J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc.77-11426 Filed 4-20-77;8:45 am]

[Airspace Docket No. 77-WA-4]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Establishment of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes controlled airspace for the holding pattern at the Zaney DME fix (Lanai, Hawaii, 274° M radial 45 NM). This action provides controlled airspace of sufficient dimension to contain the holding pattern at the Zaney DME fix and improve and expedite movement of IFR traffic.

EFFECTIVE DATE: May 23, 1977.

FOR FURTHER INFORMATION CONTACT:

Richard Huff, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone 202-426-3715.

SUPPLEMENTARY INFORMATION: The purpose of this amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to designate controlled Airspace for the holding pattern at the Zaney DME fix (Lanai, Hawaii, 274° M radial 45 NM). This proposed action would enhance safety by establishing an area of sufficient dimension, which would contain IFR operations within controlled airspace.

Since this amendment is a minor matter on which the public would have no particular desire to comment and no substantive change in the regulations is effected, notice and public procedure thereon are unnecessary.

Since this action involved, in part, the designation of navigable airspace outside the United States, the Administration has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

THE RULE

Accordingly, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 G.m.t., May 23, 1977, as hereinafter set forth.

In § 71.181 (42 FR 440) add:

ZANEY, HAWAII

That airspace extending upward from 1200 feet above the surface beginning at Lat. 20°52'00" N., Long. 157°50'00" W., thence southeast to Lat. 20°47'00" N., Long. 157°44'00" W., thence east to Lat. 20°45'00" N., Long. 157°30'00" W., thence northeast to Lat. 20°47'00" N., Long. 157°26'00" W., thence west to point of beginning.

(Sec. 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a), and 1510), Executive Order 10854 (24 FR 9565); Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE.—The FAA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on April 13, 1977.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.77-11379 Filed 4-20-77;8:45 am]

[Airspace Docket No. 76-RM-17]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airway

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters the floor of control area on VOR Federal Airway V-26 between Casper, Wyo., and Rapid City, S. Dak. Northeastbound aircraft sometimes cross Sand Creek Intersection (39 miles northeast of Casper) at 8,000 feet MSL and then are outside control area until they reach 9,000 feet MSL. This amendment extends the floor of control area northeast of Sand Creek so that departing aircraft can easily remain within control area.

EFFECTIVE DATE: June 16, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. John Watterson, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone 202-426-8525.

SUPPLEMENTARY INFORMATION: This amendment to Subpart C of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) amends § 71.123 by altering the floor of control area on V-26 between Casper, Wyo., and Rapid City, S. Dak. Air Traffic Control has a requirement for aircraft to cross Sand Creek Intersection, Wyo., at 8,000 feet MSL, then climb to the minimum en route altitude (MEA) of 13,000 feet eastbound on V-26. An MEA of 8,000 feet to Sand Creek is feasible, however, the floor of control area on V-26 must be altered to a point 12 miles east of Sand Creek to provide sufficient controlled airspace for the climb.

HISTORY

On February 7, 1977 (42 FR 7161), the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the floor of control area on V-26 from Casper, Wyo., to Rapid City, S. Dak., as follows:

Casper, Wyo.; 14 miles 12 AGL, 37 miles 75 MSL, 84 miles 90 MSL, 17 miles 12 AGL, Rapid City, S. Dak.

Interested persons were invited to participate in this rulemaking by submitting written comments on the proposal to the FAA. All comments received were favorable.

THE RULE

Accordingly, Subpart C of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (42 FR 307, 41 FR 49090), is amended, effective 0901 G.m.t., June 16, 1977, as follows:

In § 71.123, V-26 "Casper, Wyo.; 14 miles, 25 miles 75 MSL, 92 miles 90 MSL, Rapid City, S. Dak.;" is deleted and "Casper, Wyo.; 14 miles 12 AGL, 37 miles 75 MSL, 84 miles 90 MSL, 17 miles 12 AGL, Rapid City, S. Dak.;" is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on April 13, 1977.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.77-11380 Filed 4-20-77;8:45 am]

[Airspace Docket No. 76-EA-83]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of a VOR Federal Airway

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment realigns VOR Federal Airway V-31 between Patuxent River, Md., and Nottingham, Md. This VOR airway realignment was initiated by the FAA to improve air traffic handling and to reduce the flying distance between these two facilities by approximately 8 nautical miles.

EFFECTIVE DATE: June 16, 1977.

FOR FURTHER INFORMATION CONTACT:

David F. Solomon, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone: (202) 426-8530.

SUPPLEMENTARY INFORMATION: On February 7, 1977, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to realign VOR Airway V-31 between Patuxent River, Md., and Nottingham, Md. (42 FR 7160). A VOR Federal Airway is a control area or portion thereof established in the form of a corridor, the centerline of which is defined by radio navigational aids specifically designed for this purpose. This airway realignment will shorten the flying route by approximately 8 nautical miles, thereby resulting in considerable time and fuel savings for users.

Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. Three public comments were received and none of them objected. Therefore, except for the required editorial change in format, this amendment is as stated in the proposed notice.

THE RULE

Accordingly, Part 71 of the Federal Aviation Regulations (14 CFR Part 71), as republished (42 FR 307), is amended, effective 0901 G.m.t., June 16, 1977, as follows:

In § 71.123, V-31 "From INT Patuxent River, Md., 036° and Nottingham, Md., 128° radials; Nottingham." is deleted and "From Patuxent River, Md.; INT Patuxent River 338° T (345° M) and Nottingham, Md., 128° T (135° M) radials; Nottingham." is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on April 13, 1977.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.77-11381 Filed 4-20-77;8:45 am]

[Airspace Docket No. 77-WE-4]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 73—SPECIAL USE AIRSPACE

Temporary Restricted Areas: Brave Shield XVI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: These amendments prescribe temporary restricted areas in the vicinity of Twenty-Nine Palms, Calif., to contain a joint military exercise called "Brave Shield XVI." These actions are necessary to provide for the safe and efficient use of the navigable airspace by restricting unauthorized flight operations of nonparticipating aircraft within the areas during the designated period.

DATES: Effective date is June 16, 1977. Period of designation is July 14, 1977, through July 20, 1977.

ADDRESSES:

Controlling agency—

Federal Aviation Administration, Los Angeles ARTC Center, 255 East Avenue P, Palmdale, CA 93550.

Using agency—

Department of Defense, U.S. Air Force Tactical Air Command/USAF, Readiness Command (TAC/USAFRED), Langley Air Force Base, Va. 23665.

FOR FURTHER INFORMATION CONTACT:

John Watterson, Airspace Regulations Branch (AAT-230), Airspace and Air

Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone: 202-426-8525.

SUPPLEMENTARY INFORMATION:

HISTORY

On March 10, 1977, the FAA proposed to amend Parts 71 and 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) to designate joint use temporary restricted areas in the vicinity of Twenty-Nine Palms, Calif., and to designate the affected airspace as special use airspace restricted to participating aircraft between July 14 through July 20, 1977, during its time of use by the military (42 FR 13304). Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. All comments received were favorable.

THE RULE

These amendments to Parts 71 and 73 of the Federal Aviation Regulations (FARs) designate temporary restricted areas in the vicinity of Twenty-Nine Palms, Calif. The temporary restricted areas are designated special use airspace, referred to as "Brave Shield," and include five subpart restricted area designations to "R-2501." These five subpart designations reflect different designated areas and altitudes which will be in effect continuously from 0001 local time, July 14, 1977, through 2359 local time, July 20, 1977.

The R-2501 subpart restricted areas are designated to contain the joint military exercise called "Brave Shield XVI" which will involve activities which would create hazards in the operation of nonparticipating aircraft in the designated areas. In addition, those areas encompassing airspace at and above 14,500 feet mean sea level (MSL) are included in the continental control area for the duration of the designation.

Accordingly, Parts 71 and 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) are amended, effective 0901 G.m.t., June 16, 1977, as follows:

§ 71.151 [Amended]

1. By amending § 71.151 (42 FR 345) to add the following temporary restricted areas for the duration of their time of designation from 0001 local, July 14 through 2359 local, July 20, 1977:

R-2501A
R-2501B
R-2501C
R-2501D
R-2501F

§ 73.25 [Amended]

2. By amending § 73.25 (42 FR 662) to add the following temporary restricted areas:

R-2501A BRAVE SHIELD XVI

Boundaries: Beginning at Lat. 34°40'30" N., Long. 116°29'40" W.; to Lat. 34°30'00" N., Long. 116°42'00" W.; to Lat. 34°10'00" N., Long. 116°42'00" W.; to Lat. 34°10'00" N., Long. 115°47'30" W.; to Lat. 34°14'00" N., Long. 115°44'00" W.; thence along the southern and western borders of R-2501E, R-2501S, and R-2501N to point of beginning.
Designated altitudes: 500 feet AGL to and including 17,000 feet MSL, excluding that airspace below 1,000 feet AGL within 3 NM of Soggy Dry Lake, Giant Rock, and Frick Airports.
Time of designation: Continuously from 0001 local July 14 through 2359 local July 20, 1977.
Controlling agency: Federal Aviation Administration, Los Angeles ARTC Center.
Using agency: U.S. Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Va. 23665.

R-2501B BRAVE SHIELD XVI

Boundaries: Beginning at Lat. 34°43'00" N., Long. 116°17'00" W.; to Lat. 34°42'50" N., Long. 115°26'30" W.; to Lat. 34°22'00" N., Long. 115°35'20" W.; to Lat. 34°14'00" N., Long. 115°44'00" W.; thence along the eastern and northern boundaries of R-2501E and R-2501N to the point of beginning.
Designated altitudes: 500 feet AGL to and including FL 250.
Time of designation: Continuously from 0001 local July 14 through 2359 local July 20, 1977.
Controlling agency: Federal Aviation Administration, Los Angeles ARTC Center.
Using agency: U.S. Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Va. 23665.

R-2501C BRAVE SHIELD XVI

Boundaries: Beginning at Lat. 34°10'00" N., Long. 116°42'00" W.; to Lat. 33°56'00" N., Long. 116°23'00" W.; to Lat. 33°53'30" N., Long. 116°02'40" W.; to Lat. 34°10'00" N., Long. 115°47'30" W.; to point of beginning.
Designated altitudes: 2000 feet AGL to and including 17,000 feet MSL.
Time of designation: Continuously from 0001 local July 14 through 2359 local July 20, 1977.
Controlling agency: Federal Aviation Administration, Los Angeles ARTC Center.
Using agency: U.S. Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Va. 23665.

R-2501D BRAVE SHIELD XVI

Boundaries: Beginning at Lat. 34°42'50" N., Long. 115°26'30" W.; to Lat. 34°42'00" N., Long. 115°16'00" W.; to Lat. 34°19'00" N., Long. 115°25'00" W.; to Lat. 34°03'40" N., Long. 115°43'00" W.; to Lat. 33°52'00" N., Long 115°51'40" W.; to Lat. 33°53'30" N., Long. 116°02'40" W.; to Lat. 34°14'00" N., Long. 115°44'00" W.; to Lat. 34°22'00" N., Long. 115°35'20" W.; to point of beginning.
Designated altitudes: 14,000 feet MSL to and including FL 180.
Time of designation: Continuously from 0001 local July 14 through 2359 local July 20, 1977.
Controlling agency: Federal Aviation Administration, Los Angeles ARTC Center.
Using agency: U.S. Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Va. 23665.

R-2501F BRAVE SHIELD XVI

Boundaries: Beginning at Lat. 34°42'00" N., Long. 115°16'00" W.; to Lat. 34°41'50" N., Long. 114°40'00" W.; to Lat. 34°07'00" N., Long. 114°54'20" W.; to Lat. 33°52'00" N., Long. 115°51'40" W., to Lat. 34°03'40" N., Long. 115°43'00" W.; to Lat. 34°19'00" N., Long. 115°25'00" W.; to point of beginning.
Designated altitudes: 14,000 feet MSL to and including FL 250.
Time of designation: Continuously from 0001 local July 14 through 2359 local July 20, 1977.
Controlling agency: Federal Aviation Administration, Los Angeles ARTC Center.
Using agency: U.S. Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Va. 23665.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(d)).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on April 13, 1977.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.77-11377 Filed 4-20-77;8:45 am]

[Airspace Docket No. 76-NE-39]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Alteration of a Jet Route

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment realigns Jet Route 55 in part from Kennebunk, Maine, direct Presque Isle, Maine. This action provides a more direct routing between these two points, resulting in increased time and fuel savings for aircraft using this route.

EFFECTIVE DATE: June 16, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. David F. Solomon, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591, telephone 202-426-8530.

SUPPLEMENTARY INFORMATION: On February 7, 1977, the FAA proposed to amend Part 75 of the Federal Aviation Regulations (14 CFR Part 75) to realign Jet Route 55 in part between Kennebunk, Maine, direct Presque Isle, Maine (42 FR 7161). By straightening out this route, it is expected that the airplanes flying it will save both time and fuel. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments were received. Therefore, except for the required editorial format, this amendment is as proposed in the notice.

THE RULE

Accordingly, Subpart B of Part 75 of the Federal Aviation Regulations (14 CFR Part 75), as republished (42 FR

707), is amended, effective 0901 G.m.t., June 16, 1977, as follows:

In § 75.100 Jet Route No. 55 "Bangor, Maine;" is deleted.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on April 14, 1977.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.77-11430 Filed 4-20-77;8:45 am]

[Airspace Docket No. 77-WE-1]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Alteration of Jet Route

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment realigns J-50 in part from Bakersfield, Calif., direct Ontairo, Calif., instead of the current alignment of Los Angeles, Calif., direct Ontario, Calif. Under the present jet route alignment, aircraft overflying the Los Angeles area on J-50 between Phoenix/Tucson and San Francisco are placed on radar vectors east of Los Angeles. This realignment will eliminate these radar vectors and allow more precise pilot navigation for flights using this jet route.

EFFECTIVE DATE: June 16, 1977.

FOR FURTHER INFORMATION CONTACT:

David F. Solomon, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone: (202) 426-8530.

SUPPLEMENTARY INFORMATION: This amendment to Subpart B of Part 75 of the Federal Aviation Regulations (14 CFR Part 75) amends § 75.100 by realigning J-50 between Bakersfield, Calif., and Ontario, Calif. This realignment will allow more precise pilot navigation along this route and also reduce the amount of radar vectors issued by air traffic control to overflights using J-50 between Phoenix/Tucson and San Francisco.

THE RULE

Accordingly, Subpart B of Part 75 of the Federal Aviation Regulations (14 CFR Part 75) as republished (42 FR 707) is amended, effective 0901 G.m.t. June 16, 1977, as follows:

In § 75.100 Jet Route No. 50 "From Los Angeles, Calif.," is deleted and "From Bakersfield, Calif.," is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on April 13, 1977.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.77-11378 Filed 4-20-77;8:45 am]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Docket No. 16711; Amdt. No. 1069]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

AGENCY: Federal Aviation Administration, (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATE: An effective date for each SIAP is specified in the amendatory provisions.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

FOR EXAMINATION

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue SW., Washington, D.C. 20591;

2. The FAA Regional Office of the region in which the affected airport is located; or

3. The Flight Inspection Field Office which originated the SIAP.

FOR PURCHASE

Individual SIAP copies may be obtained from:

1. FAA Public Information Center (APA-430), FAA Headquarters Building, 800 Independence Avenue SW., Washington, D.C. 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

BY SUBSCRIPTION

Copies of all SIAPs, mailed weekly, may be ordered from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The current annual subscription price is $150; add $30 for each additional copy mailed to the same address.

FOR FURTHER INFORMATION CONTACT:

William L. Bersch, Flight Procedures and Airspace Branch (AFS-730), Aircraft Programs Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 97 of the Federal Aviation Regulations (14 CFR Part 97) prescribes new, amended, suspended, or revoked Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR Part 51, and § 97.20 of the Federal Aviation Regulations (FARs). The applicable FAA forms are identified as FAA Forms 8260-3, 8260-4 and 8260-5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the FEDERAL REGISTER expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form document is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to Part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30

days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPs criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs is unnecessary, impracticable, or contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

Accordingly, pursuant to the authority delegated to me, Part 97 of the Federal Aviation Regulations (14 CFR Part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective on the dates specified, as follows:

1. By amending § 97.23 VOR-VOR/DME SIAPs identified as follows:

* * * *Effective June 16, 1977.*

McGehee, AR—McGehee Municipal, VOR/DME-A, Original

2. By amending § 97.25 SDF-LOC-LDA SIAPs identified as follows:

* * * *Effective June 2, 1977.*

Atlanta, GA—DeKalb-Peachtree Arpt., LOC Rwy 20L, Amdt. 2

* * * *Effective May 5, 1977.*

Washington, DC—Dulles International Arpt., LOC (BC) Rwy 1L, Amdt. 4, cancelled
Spartanburg, SC—Spartanburg Downtown Memorial, LOC Rwy 4, Original

3. By amending § 97.27 NDB/ADF SIAPs identified as follows:

* * * *Effective June 2, 1977.*

Carbondale-Murphysboro, IL—Southern Illinois, NDB Rwy 18, Amdt. 4
Creston, IA—Creston Muni, NDB Rwy 34, Amdt. 2
Palmer, MA—Metropolitan Arpt., NDB-A, Amdt. 3
Manteo, NC—Manteo Arpt., NDB Rwy 4, Orig.
Manteo, NC—Manteo Arpt., NDB Rwy 16, Orig.
Shelby, NC—Shelby Muni Arpt., NDB Rwy 4, Original

4. By amending § 97.29 ILS-MLS SIAPs identified as follows:

* * * *Effective June 2, 1977.*

Carbondale-Murphysboro, IL—Southern Illinois, ILS Rwy 18, Amdt. 4

* * * *Effective May 5, 1977.*

Washington, DC—Dulles International, ILS Rwy 1L, Original

* * * *Effective April 12, 1977.*

Aniak, AK—Aniak Arpt., ILS/DME Rwy 10, Amdt. 1
Raleigh, NC—Raleigh-Durham Arpt., ILS Rwy 5, Amdt. 17

5. By amending § 97.31 RADAR SIAPs identified as follows:

* * * *Effective June 2, 1977.*

Jacksonville, FL—Jacksonville Int'l Arpt., RADAR-1, Amdt. 4

6. By amending § 97.33 RNAV SIAPs identified as follows:

* * * *Effective June 2, 1977.*

Atlanta, GA—DeKalb-Peachtree Arpt., RNAV Rwy 20L, Amdt. 6

(Secs. 307, 313(a), 601, and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354(a), 1421, and 1510); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Delegation: 24 FR 5662 and Paragraph 802 of Order FS P 1100.1, as amended March 9, 1973.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on April 15, 1977.

JAMES M. VINES,
Chief,
Aircraft Programs Division.

NOTE.—The incorporation by reference in the preceding document was approved by the Director of the FEDERAL REGISTER on May 12, 1969.

[FR Doc.77-11424 Filed 4-20-77;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CDG 76-130]

PART 87—ALTERNATIVE COMPLIANCE

Implementation and Interpretation of the 72 COLREGS; Certification for Alternative Compliance Under Rule 1(e), International Regulations for Preventing Collisions at Sea, 1972

Correction

In FR Doc. 77-9700, appearing at page 17111 in the issue for Thursday, March 31, 1977, make the following changes to Appendix A:

1. In Rule 18 (page 17114), in paragraph (b)(ii), delete the "and" which appears at the end of the second line.

2. Also in Rule 18, in paragraph (c)(i), delete the "and" at the end.

3. In Rule 19 (page 17114), in paragraph (d)(i), delete the "and" which appears at the end of the third line.

4. In Annex I (page 17117), in paragraph 2(c), add the following to the last line: "of not less than 2.5 metres".

5. In Annex I, paragraph (i)(i), the last line should read "light is required, not be less than 4 metres above the hull;".

6. In Annex I, paragraph 6(a), the last line should read "of the following sizes:"

7. In Annex I, paragraph 7, in the list of corner coordinates for colour boundaries (page 17118), in the entry "(iii) *Red*", the second variable now listed as "*y*", should read "*y*".

8. In the same list, in the entry for "(iv) *Yellow*", the corner coordinates for "*y*" should read: "0.382, 0.382, 0.425, 0.406".

9. In Annex II (page 17118), in paragraph 1, in the fourth line, "meter" should be spelled "metre".

10. In Annex III (page 17118), in paragraph 1(c), in the first paragraph beneath the table, in the fifth line, the word "or" should be "of".

11. Also in Annex III, paragraph 1(c), in the second paragraph under the table, the last line should read: "bient noise level at the listening post the range may be much reduced".

12. In Annex IV, paragraph 1(j) was omitted. It should be added to read:

(j) A smoke signal giving off orange-coloured smoke;

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

[Circular No. 2421]

SUBCHAPTER F—OUTDOOR RECREATION AND WILDLIFE MANAGEMENT

PART 6010—GENERAL PROGRAM

Criminal Penalty for Violation of Rules of Conduct

AGENCY: Land Management Bureau, Interior.

ACTION: Final rule.

SUMMARY: This document establishes a criminal penalty for violation of a rule of conduct or closure order under 43 CFR Part 6010. There is a need for this action due to the dramatic increase in the commercial exploitation of desert plants and natural resources on the public lands, as well as to enforce fire closure orders due to the fire emergency conditions on the public lands created by the recent drought in the Western States.

EFFECTIVE DATE: April 21, 1977.

FOR FURTHER INFORMATION CONTACT:

Billy R. Templeton, 202-343-8735.

SUPPLEMENTARY INFORMATION: On October 21, 1976, the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) became law. Section 302(b) (43 U.S.C. 1732) of the Act directs the Secretary of the Interior to regulate through easements, permits, leases, licenses, published rules, or other instruments, as appropriate, the use, occupancy, and development of the public lands. Section 303(a) (43 U.S.C. 1733) directs the Secretary of the Interior to issue the regulations necessary to implement the provisions of the Act and provides that willful violations of such regulations shall be punishable by a fine of not more than 1,000 dollars or imprisonment for not more than 12 months, or both.

There has been a dramatic increase in the commercial exploitation of desert plants and other natural resources on public lands which is reaching emergency proportions. The selling of desert plants is becoming an increasingly popular business. Cactus, Joshua trees, yucca, and similar plants are being dug up and removed for sale as ornamental plants for landscaping around homes in several

States. In many areas, species such as barrel cactus are not plentiful enough to allow such a situation to continue. The theft of these valuable resources which belong to all the people also contributes to the scarring of the fragile desert environment, soil erosion, and loss of wildlife habitat.

In addition, the recent drought in the Western States has created fire emergency conditions on public land and has brought about the need to enforce the closure of public land for fire protection and other management purposes. There is a further immediate need to cooperate with the Western States in closing lands during the fire season beginning this spring.

There are published rules in 43 CFR 6010.2 and 6010.4 which, when enforceable, would serve as an essential management tool to control the increasing, unauthorized commercial exploitation of public resources and to provide for closure of public lands presenting a fire danger due to drought.

Since §§ 6010.2 and 6010.4 are rules developed with public participation, and there is an urgent need to control unauthorized commercial exploitation of desert plants and the public resources as well as to close certain public lands presenting a fire emergency, it is determined that it is unnecessary and contrary to the public interest to delay the application of criminal sanctions to the acts prohibited under 43 CFR 6010.2 and 6010.4 by complying with the notice and public procedures contained in 5 U.S.C. 553(b) or the effective date limitations contained in 5 U.S.C. 553(d).

It is hereby determined that publication of this rulemaking is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(c)) is required. The Department of the Interior has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Under the authority of section 303(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1733), Part 6010, Subchapter F, Chapter II, Title 43 of the Code of Federal Regulations is amended as set forth below.

1. The table of contents of Part 6010 is amended to read as follows:

Sec.
6010.0-3 Authority.
6010.1 Identification of lands.
6010.2 Rules of Conduct.
6010.3 Supplemental rules.
6010.4 Closure of lands.
6010.5 State and local laws.
6010.6 Criminal penalties.

2. In Part 6010 the Authority section is amended to read as follows:

§ 6010.0-3 Authority.

Sections 1, 3, and 5 (50 Stat. 874 and 875; 43 U.S.C. 1181a, 1181c, 1181e); R.S. 2478 (43 U.S.C. 1201); and sections 302 (b) and 303(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1732 and 1733).

3. Part 6010 is amended by adding after § 6010.5 a new § 6010.6 to read as follows:

§ 6010.6 Criminal penalties.

Any person who knowingly and willfully violates any rule of conduct described in § 6010.2 or violates any closure order issued under § 6010.4 shall be fined not more than $1,000 or imprisoned not more than 12 months, or both.

CHRIS FARRAND,
Acting Assistant Secretary, Land and Water Resources, U.S. Department of the Interior.

APRIL 14, 1977.

[FR Doc.77-11525 Filed 4-20-77;8:45 am]

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Navel Orange Reg. 410]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final Rule.

SUMMARY: This regulation establishes the quantity of California-Arizona navel oranges that may be shipped to fresh market during the weekly regulation period April 22-28, 1977. This regulation is needed to provide for orderly marketing of fresh navel oranges for the regulation period because of the production and marketing situation confronting the navel orange industry.

EFFECTIVE DATE: April 22, 1977.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washinton, D.C. 20250. 202-447-3545.

SUPPLEMENTARY INFORMATION: (a) *Findings.* (1) Pursuant to the amended marketing agreement and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the amended marketing agreement and order, and upon other available information, it is found that the limitation of handling of such navel oranges, as provided in this section will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the quantity of navel oranges that may be marketed during the specified week stems from the production and marketing situation confronting the navel orange industry.

(i) The committee has submitted its recommendation for the quantity of navel oranges it considers advisable to be handled during the specified week. The recommendation resulted from consideration of the factors covered in the order. The committee further reports the demand for navel oranges is only fair this week. Average f.o.b. price was $3.81 per carton on a reported sales volume of 1,115 carlots last week, compared to $3.77 per carton on sales of 1,168 carlots a week earlier. Track and rolling supplies at 512 cars were down 72 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of navel oranges which may be handled should be established as provided in this section.

(3) It is further found that it is impracticable and is contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), because the time intervening between the date when information upon which this section is based became available and the time when it must become effective to effectuate the declared policy of the act is insufficient. A reasonable time is permitted, for preparation for the effective time; and good cause exists for making the regulation effective as specified. The committee held an open meeting during the current week, after giving due notice, to consider supply and market conditions for navel oranges and the need for regulation. Interested persons were afforded an opportunity to submit information and views at this meeting. The recommendation and supporting information for regulation during the period specified were promptly submitted to the Secretary after the meeting was held, and information concerning the provisions and effective time has been provided to handlers of navel oranges. It is necessary, to effectuate the declared policy of the act, to make this section effective as specified. The committee meeting was held on April 19, 1977.

§ 907.710 Navel Orange Regulation 410.

* * * * *

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period April 22, 1977, through April 28, 1977, are hereby fixed as follows:

(i) District 1: 1,100,000 cartons;
(ii) District : Unlimited Movement;
(iii) District : Unlimited Movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674).)

Dated: April 20, 1977.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77-11754 Filed 4-20-77;11:24 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

[7 CFR Part 7]

AGRICULTURAL STABILIZATION AND CONSERVATION COUNTY AND COMMUNITY COMMITTEES

Selection and Functions

AGENCY: Department of Agriculture.

ACTION: Proposed regulations.

SUMMARY: These proposed regulations are a complete revision of the existing regulations governing the selection and functions of Agricultural Stabilization and Conservation County and Community Committees. The parts of these regulations relating to the suspension and removal of county committeemen, community committeemen, county executive directors, and other county employees have been extensively revised to eliminate repetitious provisions and to provide specifically the procedures to be followed in such cases, including the right to a hearing, cross-examination of witnesses, and examination of relevant evidence.

DATE: To assure consideration, comments must be received not later than May 23, 1977.

ADDRESS: Submit comments to: Deputy Administrator, Programs, Room 243–W. Administration Building, P.O. Box 2415, U.S. Department of Agriculture, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT:

Alan Durick, Assistant to the Deputy Administrator, Programs, ASCS, Room 242–W, Administration Building, P.O. Box 2415, U.S. Department of Agriculture, Washington, D.C. 20013, 202–447–5166.

It is therefore proposed to revise 7 CFR Part 7 to read as follows:

NAMES OF COMMITTEES

Sec.
7.1 Local or community committee.
7.2 County committee.

PURPOSE OF COMMITTEES

7.3 Purpose.

SELECTION OF COMMITTEES

7.4 Method.
7.5 Who may vote for community committeemen and delegates.
7.6 Restrictions on voting.
7.7 Determination of elective areas.
7.8 Calling of elections.
7.9 Conduct of community elections.
7.10 Conduct of county convention.
7.11 Election of community committee and delegates to the county convention.
7.12 Election of the county committee.
7.13 Tie votes.
7.14 Vacancies.
7.14a Appeals.

ELIGIBILITY REQUIREMENTS

7.15 County committeemen, community committeemen, and delegates.
7.16 All other personnel.
7.17 Dual office.

TERMS OF OFFICE

7.18 County and community committeemen.
7.19 Delegates to the county convention.

DUTIES

7.20 County committee.
7.21 Chairman of the county committee.
7.22 Community committee.
7.23 Chairman of the community committee.
7.24 Delegate to the county convention.
7.25 County executive director.

PRIVATE BUSINESS ACTIVITY AND CONFLICTS OF INTERESTS

7.26 All personnel.

POLITICAL ACTIVITY

7.27 All personnel.

REMOVAL FROM OFFICE OR EMPLOYMENT

7.28 County and community committeemen, and delegates to the county convention; county office personnel.
7.29 Delegation of authority to Deputy Administrator.
7.30 Right of review.
7.31 Hearing in connection with appeals and requests for reconsideration to Deputy Administrator.
7.32 Findings, analysis, and recommendations of independent hearing officer.
7.33 Determination of the Deputy Administrator.

CUSTODY AND USE OF BOOKS, RECORDS, AND DOCUMENTS

7.34 Custody.
7.35 Use.

GENERAL PROVISIONS

7.36 Administrative operations.
7.37 Implementation.
7.38 Applicability.
7.39 Secretary, Administrator, or Deputy Administrator, Programs, not precluded from exercising authority.

AUTHORITY: Secs. 4, 8, 49 Stat. 164, 1149, as amended; 16 U.S.C. 590d, 590h (b).

NAMES OF COMMITTEES

§ 7.1 Local or community committee.

Each local committee elected under the provisions of this part shall be known as the Agricultural Stabilization and Conservation Community Committee, referred to in this part as the "community committee."

§ 7.2 County committee.

Each county committee elected under the provisions of this part shall be known as the Agricultural Stabilization and Conservation County Committee, referred to in this part as the "county committee."

PURPOSE OF COMMITTEES

§ 7.3 Purpose.

The purpose of the county committee shall be to direct the administration of sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act of 1936, the Agricultural Adjustment Act of 1938, the Agricultural Acts of 1949, and 1970, the Agriculture and Consumer Protection Act of 1973, and any amendments to such acts, such other acts of Congress as the Secretary of Agriculture or the Congress may designate, and to perform such other functions as may be designated by the Secretary. This shall be done through community committees and committeemen and other personnel responsible to the county committee, and in accordance with applicable laws, regulations, and official instructions. The county and community committees shall not engage in any other activity.

SELECTION OF COMMITTEES

§ 7.4 Method.

County and community committees shall be elected in accordance with the provisions of this part.

§ 7.5 Who may vote for community committeemen and delegates.

(a) Any person, regardless of race, color, religion, sex, or national origin, who has an interest in a farm as owner, tenant, or sharecropper and who is of legal voting age in the State in which the farm is located, and any person not of such legal voting age who is in charge of the supervision and conduct of the farming operations on an entire farm, shall be eligible to vote for community committeemen and delegates in the community in which he has such an interest if any one or more of the following is applicable:

(1) A payment or grant of conservation materials or services is or will be made with respect to the farm under the current agricultural conservation program or there is being carried out on the farm one or more of the current program practices approved for the State by the State Agricultural Stabilization and Conservation Committee, referred to in this part as the "State committee;"

(2) A marketing quota or acreage allotment is currently established for the farm;

(3) Such person is eligible for a cooperator's loan or other price support with respect to the farm;

(4) Such person is eligible for a payment under the National Wool Act program with respect to the farm; or

(5) Such person is eligible to participate with respect to the farm in any other program administered by the county committee.

(b) In any State having a community property law, the spouse of a person who is eligible to vote under paragraph (a) of this section shall also be eligible to vote.

(c) The term "person" as used in this section means an individual, partnership, association, corporation, estate, trust, other business enterprise or legal entity, or a State, political subdivision of a State or any agency thereof.

(d) The vote may be cast by:

(1) An individual for himself.

(2) A duly authorized partner of a partnership for the partnership.

(3) A duly authorized officer of a corporation for the corporation.

(4) A guardian who is legally appointed for a minor or incompetent person.

(5) A duly authorized representative of any other eligible voter entity, except an individual.

(e) Each county office shall have a prepared list of eligible voters for each community within the county available for public inspection in advance of the election.

§ 7.6 Restrictions on voting.

Each eligible voter shall be entitled to only one vote on any one ballot in any election held in any one community. If the eligible voter has an interest in a farm in more than one community in the county, such voter shall not be entitled to vote in more than one such community in the county. There shall be no voting by proxy.

§ 7.7 Determination of elective areas.

Each county shall be divided into local administrative areas, referred to in this subpart as "communities." The term "county" in Alaska shall be the area so designated by the State committee. The boundaries of the communities shall be fixed by the State committee after considering any recommendations by the county committee. No such community shall include more than one county or parts of different counties. The county committee shall give public notice of the community boundaries in advance of the election.

§ 7.8 Calling of elections.

(a) Each election of community committeemen shall be held on a date or within a period of time fixed by the Deputy Administrator, Programs, (hereafter referred to as Deputy Administrator) or his designee, Agricultural Stabilization and Conservation Service which will in his judgment best afford full opportunity for participation therein by all persons eligible to vote: *Provided*, That such date or period of time shall fall within a period beginning on or after July 1 and ending not later than December 30, each year. Each such election shall be held in accordance with detailed instructions issued by the Deputy Administrator which shall be available for examination in each county office.

(b) If the number of eligible voters voting in any election of community committeemen is so small that the State committee determines that the result of the election does not represent the views of a substantial number of eligible voters, it shall declare the election void and call a new election. If it is determined by the State committee that the election for any position on a community committee has not been held substantially in accordance with official instructions, the State committee shall declare such election void and call a new election.

§ 7.9 Conduct of community elections.

(a) The county committee serving at the time shall be responsible for the conduct of the community elections for the election of community committees and delegates to the county convention in accordance with official instructions issued by the Deputy Administrator.

(b) To prevent endorsement of any nongovernmental function either directly or indirectly by association or implication, community elections shall not be associated with or held in conjunction with any other election or referendum conducted for any other purpose.

(c) The county committee shall give advance public notice of how, when, and where eligible voters may vote, when and where the votes will be counted, and the right to witness the vote counting.

(d) All nominees shall be notified in writing of the outcome of the election by the county executive director.

§ 7.10 Conduct of county convention.

(a) The county committee serving at the time shall be responsible for designating the place at which the county convention for the election of the county committee will be held and for the conduct of the convention in accordance with official instructions issued by the Deputy Administrator which shall be available for examination in each county office.

(b) To prevent endorsement of any nongovernmental function either directly or indirectly by association or implication, county conventions shall not be associated with or held in conjunction with any other election or referendum conducted for any other purpose.

(c) The county committee shall give advance public notice of the county convention. It shall be open to the public.

(d) The county executive director shall notify in writing all newly elected county committee members, alternates, and county committeemen with unexpired terms, of the election results.

§ 7.11 Election of community committee and delegates to the county convention.

(a) Except as provided in paragraph (c) of this section, the eligible voters in a community shall elect annually a community committee composed of three members and shall elect first and second alternates to serve as acting members of the community committee in the order elected in case of the temporary absence of a member, or to become a member of the community committee in the order elected in case of the resignation, disqualification, removal, or death of a member. An acting member of the community committee shall have the same duties and the same authority as a member. The election shall be conducted by the mail ballot method in all counties, except that the Deputy Administrator may authorize use of the meeting or polling place method in a specific county where such is deemed justified. Where elections are by mail or by polling place, the county committee shall give advance public notice that nominations may be made by petition. Election shall be by secret ballot and by plurality vote, with each eligible voter having the option of writing in the names of candidates of his own choice. Except as provided in paragraph (c) of this section, the three regular members of the community committee shall be the delegates to the county convention and the first and second alternates to the community committee shall also be in that order alternate delegates to the county convention: *Provided, however*, That a person may not serve as delegate if he has been a member of the county committee for that county during the 90 days preceding the community election. Failure to elect the prescribed number of alternates at the regular election shall not invalidate such election or require a special election to elect additional alternates.

(b) In any county where there is only one community, the community committee shall be the county committee.

(c) Where there is only one community in the county, one committeeman shall be elected to hold office for a term of 3 years or until his successor is elected and qualified, so that the term of office of one committeeman will expire in each year. There shall also be elected annually a first alternate and second alternate to serve as acting members in the order elected in case of the temporary absence of a member or to become a member in the order elected in the case of resignation, disqualification, removal, or death of any member of the committee. In the event an alternate fills a permanent vacancy on the committee, he shall not thereby assume the unexpired term of the committeeman he replaced but hold office only until the beginning of the term following the next regular county committee election. If any years remain in the unexpired term a person shall be elected at the next regular election to serve the balance of that term. An acting member shall have the same duties and authority as a member.

(d) The community committee shall select a secretary who shall be either the county agricultural extension agent for the county or an employee of the county committee.

§ 7.12 Election of the county committee.

(a) The delegates elected pursuant to § 7.11(a) shall meet in a convention held before the close of the same calendar year in which they were elected to elect committeemen for vacancies on the county committee. The Deputy Administrator may fix the exact date. Each delegate shall be entitled to only one vote on any ballot, and there shall be no voting by proxy. A majority of the delegates so elected and qualified to vote at the time of the convention shall constitute a quorum. A county committee shall consist of three members. Each year one committeeman shall be elected to hold office for a term of 3 years or until his successor is elected and qualified, so that the term of office of one committeeman will expire in each year.

(b) At each convention, the delegates shall also elect annually a first and second alternate to the county committee to serve as acting members of the committee in the order elected in case of the temporary absence of a member, or to become a member in the order elected in case of the resignation, disqualification, removal, or death of a member of the county committee. In the event an alternate fills a permanent vacancy on the county committee, he shall not thereby assume the unexpired term of the committeeman he replaced. An acting member of the county committee shall have the same duties and authority as a member.

(c) The county committee shall select a secretary who shall be either the county executive director or other employee of the county committee, or the county agricultural extension agent for the county. If the county agricultural extension agent is not selected secretary to the county committee, he shall be ex officio a member of the county committee but shall not have the power to vote.

§ 7.13 Tie votes.

(a) Tie votes in community committee elections held by mail or polling place method shall be settled by lot. Tie votes in such elections held by the meeting method which cannot be settled by further balloting on the same day shall be settled by lot. In one-community counties, a tie vote in determining the chairman and vice chairman which cannot be settled by further balloting on the same day shall be settled by lot.

(b) In the county convention, tie votes which cannot be settled by further balloting on the same day shall be settled by lot.

§ 7.14 Vacancies.

(a) In case of a vacancy in the office of chairman of a county or community committee, the respective vice chairman shall become chairman; in case of a vacancy in the office of vice chairman, the respective third regular member shall become vice chairman; in case of a vacancy in the office of the third regular member, the respective first alternate shall become the third regular member; and in case of a vacancy in the office of the first alternate, the respective second alternate shall become the first alternate: *Provided*, That when unanimously recommended by the three members of the county committee as constituted under this paragraph or as constituted under this paragraph and paragraph (c) of this section and approved by the State committee, the offices of chairman and vice chairman of the county committee may be filled from such membership without regard to the order of succession prescribed in this paragraph or the action of the delegates to the county convention.

(b) In case of a vacancy in the panel of delegates to the county convention, the respective alternates shall act as delegates.

(c) In the event that a vacancy, other than one caused by temporary absence, occurs in the membership of the county committee and no alternate is available to fill the vacancy, the State committee shall call a meeting of the delegates to the county convention to elect persons to fill such vacancies as exist in the membership of the county committee and in the panel of alternates, except as provided in § 7.28.

(d) In the event that a vacancy, other than one caused by temporary absence, occurs in the membership of the community committee and no alternate is available to fill the vacancy, a special election shall be held to fill such vacancies as exist in the membership and in the panel of alternates.

§ 7.14a Appeals.

(a) Any eligible voter in the county may appeal to the county committee in writing or in person, or both:

(1) The eligibility or ineligibility of persons to vote,

(2) The eligibility of persons to hold office, and

(3) The validity of the community committee elections. Such appeal must be made within 15 days of the election date, except that appeals on a determination of eligibility of a person nominated by petition must be made within 15 days of the date of notification of ineligibility.

(b) Any eligible voter in the county may appeal to the State committee in writing, in person, or both:

(1) A county committee decision on an election appeal, and

(2) The validity of a county convention. An appeal of a county committee decision must be made within 15 days of the notification of the decision. An appeal on the validity of a county convention must be made within 15 days of the county convention.

ELIGIBILITY REQUIREMENTS

§ 7.15 County committeemen, community committeemen, and delegates.

To be eligible to hold office as a county committeeman, a community committeeman, a delegate, or an alternate to any such office, a person must:

(a) Be eligible to vote in the county in which the election is held if proposed for county committeeman or alternate and in the community in which the election is held if proposed for community committeeman or alternate;

(b) Be residing in the county in which the election is held if proposed for county committeeman; and unless waived by the State committee, be residing in the community in which the election is held if proposed for community committeeman: *Provided, however*, That in cases where a county or community boundary runs through a farm, eligible persons residing on such farm may hold office in the county or community in which the farm has been determined to be located for program participation purposes;

(c) Not be ineligible under § 7.27;

(d) Not have been dishonorably discharged from any branch of the armed services; not have been removed for cause from any public office; not have been convicted of any fraud, larceny, embezzlement, or felony; unless any such disqualification is waived by the State committee or the Deputy Administrator;

(e) Not have been removed as a county committeeman, community committeeman, delegate, alternate to any such office, or as an employee for failure to perform the duties of his office, or committing, or attempting, or conspiring to commit fraud, or incompetency, or impeding the effectiveness of any program administered in the county, or refusal to carry out or failure to comply with the Department's policy relating to equal opportunity and civil rights, including the equal employment policy, or interfering with others in carrying out such policy, or for violation of official instructions, unless such disqualification is waived by the State committee or the Deputy Administrator;

(f) Not have been disqualified for future service because of a determination by a State committee that during previous service as a county committeeman, community committeeman, delegate, alternate to any such office, or as an employee, he failed to perform the duties of his office or employment, or he committed, attempted, or conspired to commit fraud, or he impeded the effectiveness of any program administered in the county, or refused to carry out or failed to comply with the Department's policy relating to equal opportunity and civil rights, including the equal employment policy, or interfered with others in carrying out such policy, or violated official instructions, unless such disqualification is waived by the State committee or the Deputy Administrator;

(g) Not be during his term of office a full-time employee of the U.S. Department of Agriculture;

(h) If the office is that of county committeeman, not be during his term of office a sales agent or employee of the Federal Crop Insurance Corporation;

(i) If the office is that of delegate to the county convention, not have been a county committeeman for that county during the 90 days preceding the community election;

(j) If the office is that of county committeeman, not be serving as a county committeeman with one or more years following the current election remaining in his term of office;

(k) If the office is that of county committeeman, not have served three consecutive terms as county committeeman just prior to the current election: *Provided, however,* That any partial year served by an alternate who filled a permanent vacancy on the county committee, shall not count toward this three term limitation. The tenure of office of any county committeeman, community committeeman, delegate, or alternate to any such office, shall be terminated as soon as any such person becomes ineligible for office under the provisions of this section.

§ 7.16 All other personnel.

(a) The county executive director or any other employee must not be ineligible under § 7.27.

(b) The county executive director and other employees must not have been dishonorably discharged from any branch of the armed services, or not have been removed for cause from any public office, or not have been convicted of any fraud, larceny, embezzlement, or felony, unless any such disqualification is waived by the State committee or the Deputy Administrator.

(c) The county executive director or any other employee must not have been removed as a county committeeman, community committeeman, delegate, alternate to any such office, county executive director, or other employee for failure to perform the duties of his office, or committing, or attempting, or conspiring to commit fraud, or incompetency, or impeding the effectiveness of any program administered in the county, or refusal to carry out or failure to comply with the Department's policy relating to equal opportunity and civil rights, including the equal employment policy, or interfering with others in carrying out such policy, or for violation of official instructions, unless such disqualification is waived by the State committee or the Deputy Administrator.

(d) The county executive director or any other employee must not have been disqualified for future employment because of a determination by a State committee that during previous service as a county committeeman, community committeeman, delegate, alternate to any such office, or as an employee, he failed to perform the duties of his office or employment; or committed, attempted, or conspired to commit fraud; or impeded the effectiveness of any program administered in the county; or refused to carry out or failed to comply with the Department's policy relating to equal opportunity and civil rights, including the equal employment policy; or interfered with others in carrying out such policy; or violated official instructions, unless such disqualification is waived by the State committee or the Deputy Administrator.

(e) The tenure of employment of any county executive director or other employee shall be terminated as soon as any such person becomes ineligible for employment under the provisions of this section.

§ 7.17 Dual office.

(a) *County committee membership.* A member of the county committee may not be at the same time:

(1) A member of a community committee;

(2) A delegate to a county convention;

(3) The secretary to or the treasurer of a county committee;

(4) A member of the State committee; or

(5) County executive director or any other county office employee.

(b) *Community committee membership.* A member of the community committee may not be at the same time:

(1) A member of a county committee;

(2) The secretary to or the treasurer of a county committee;

(3) A member of the State committee; or

(4) County executive director.

(c) *Delegate to the county convention.* A delegate to the county convention may not be a member of the State committee.

TERMS OF OFFICE

§ 7.18 County and community committeemen.

The terms of office of county and community committeemen and alternates to such office shall begin on a date fixed by the Deputy Administrator, which shall be after their election and not later than the first day in the next January. *Provided, however,* That before any such county committeeman or alternate county committeeman may take office he shall sign an oath of office pledge that he will faithfully, fairly, and honestly perform to the best of his ability all of the duties devolving on him as a committeeman. A term of office shall continue until a successor is elected and qualified as provided in §§ 7.11 and 7.12.

§ 7.19 Delegates to the county convention.

The terms of office of delegates and alternates to the county convention shall begin immediately upon their election and shall continue until their respective successors have been elected and qualified.

DUTIES

§ 7.20 County committee.

The county committee, subject to the general direction and supervision of the State committee, and acting through community committeemen and other personnel, shall be generally responsible for carrying out in the county the agricultural conservation program, the price support programs as assigned, the acreage allotment and marketing quota programs, the wool incentive payment program, and the disaster provisions under the feed grain, wheat, cotton and rice programs, formulated pursuant to the acts of Congress specified in § 7.3, and any other program or functions assigned to it by the Secretary of Agriculture.

(a) Enter into leasing agreements for such office space as needed in accordance with prescribed procedures;

(b) Employ the county executive director, subject to standards and qualifications furnished by the State committee, to serve at the pleasure of the county committee, except that incumbent directors shall not be removed other than under the provisions of § 7.29, until all members of the county committee have been in office for at least 90 days: *Provided, also,* That there shall be no employment discrimination due to race, religion, color, sex, or national origin. The county executive director may not be removed under this paragraph for advocating or carrying out the Department's policy on equal opportunity and civil rights, including the equal employment policy, and in the event it is claimed that dismissal is for such reason, the dismissal shall not become effective until the State committee and the Deputy Administrator have determined that dismissal was not because of such reason;

(c) Direct the activities of the community committees elected in the county;

(d) Pursuant to official instructions, review, approve, and certify forms, reports, and documents requiring such action under such instructions;

(e) Recommend to the State committee needed changes in boundaries of communities;

(f) Make available to farmers and the public information concerning the objectives and operations of the programs administered through the county committee;

(g) Make available to agencies of the Federal Government and others information with respect to the county committee activities in accordance with official instructions issued;

(h) Give public notice of the designation and boundaries of each community within the county not less than 50 days prior to the election of community committeemen and delegates;

(i) Direct the giving of notices in accordance with applicable regulations and official instructions;

(j) Recommend to the State committee desirable changes in or additions to existing programs;

(k) Conduct such hearings and investigations as the State committee may request;

(l) Perform such other duties as may be prescribed by the State committee.

§ 7.21 Chairman of the county committee.

The chairman of the county committee or the person acting in his stead shall preside at meetings of the county committee, certify such documents as may require his certification, and perform such other duties as may be prescribed by the State committee.

§ 7.22 Community committee.

The community committee shall:

(a) Assistant the county committee in carrying out programs assigned to it;

(b) Inform farmers concerning the purposes and provisions of programs being administered in the county by the county committee;

(c) Assist in arranging for and conducting necessary community meetings; and

(d) Perform such other duties as may be assigned to it by the county committee.

§ 7.23 Chairman of the community committee.

The chairman of the community committee or the person acting in his stead shall preside at meetings of the community committee, and perform such other duties as may be assigned to him by the county committee.

§ 7.24 Delegate to the county convention.

Each delegate shall meet with other delegates in a county convention within a period of time fixed by the Deputy Administrator and at the place designated by the county committee to elect county committeemen for the county.

§ 7.25 County executive director.

The county executive director shall:

(a) Execute the policies established by the county committee and be responsible for the day-to-day operations of the county office;

(b) Employ the personnel of the county office, in accordance with standards and qualifications furnished by the State committee, to serve at his pleasure: *Provided, however,* That there shall be no employment discrimination due to race, religion, color, sex, or national origin. An employee may not be removed under this paragraph for advocating or carrying out the Department's policy on equal opportunity and civil rights, including the equal employment policy, and in the event it is claimed that dismissal is for such reason, the dismissal shall not become effective until the State committee and the Deputy Administrator have determined that dismissal was not because of such reason;

(c) Receive, dispose of, and account for all funds, negotiable instruments, or property coming into the custody of the county committee;

(d) Serve as counsellor to the county convention chairman on election procedures; and

(e) Supervise, under the direction of the county committee, the activities of the community committees elected in the county.

PRIVATE BUSINESS ACTIVITY AND CONFLICTS OF INTEREST

§ 7.26 All personnel.

(a) No county committeeman, community committeeman, delegate, alternate to any such office, or any person employed in the county office shall at any time use such office or employment to promote any private business interest.

(b) County committeemen, community committeemen, delegates, or alternates, and any person employed in the county office shall be subject to the official instructions issued with respect to conflicts of interest and proper conduct.

POLITICAL ACTIVITY

§ 7.27 All personnel.

(a) No person may be a member of the county governing body or hold a Federal, State, or county office filled by an election held pursuant to law and also hold office as a county committeeman, community committeeman, delegate, alternate to any such office, or be employed in any capacity, except, that members of school boards, soil conservation district boards, irrigation district boards, drainage district boards, weed control district boards, or of similar boards are not ineligible to hold office or employment under this paragraph solely because of membership on such boards.

(b) No person may be a candidate for membership on the county governing body or for any Federal, State, or county office filled by an election held pursuant to law and hold office as a county committeeman, community committeeman, delegate, alternate to any such office, or be employed in any capacity, except, that candidates for school boards, soil conservation district boards, irrigation district boards, drainage district boards, weed control district boards, or for similar boards are not ineligible to hold office or employment under this paragraph solely because of candidacy for such boards.

(c) No person may be an officer, employee, or delegate to a convention of any political party or political organization and hold office as a county committeeman, community committeeman, delegate, alternate to any such office, or be employed in any capacity.

(d) The tenure of office of any county committeeman, community committeeman, delegate, alternate to any such office, or the employment of any employee, shall be automatically terminated as soon as any such person becomes ineligible for office or employment under the provisions of paragraphs (a), (b), or (c) of this section.

(e) No county committeeman, community committeeman, delegate, or alternate to any such office, or any employee shall at any time engage in the following political activities:

(1) Solicit or receive any contributions (including the sale of tickets) for political party organizations or for a candidate for political office or for any other political purpose in any room or building used for the transaction of any Federal official business, or at any place from any other county committeeman, community committeeman, delegate, or alternate to any such office or employee.

(2) Use official authority or influence to discharge, remove, demote, or promote any employee, or threaten or promise to so do, for withholding or giving contributions (including the buying or the refusal to buy tickets) for political purposes, or for supporting or opposing any candidate or any political organization in any primary, general, or special election for political office.

(3) Use or direct or permit the use of any official space, equipment, materials, supplies, or personal services either to support or oppose any political office holder, candidate or party, or for any other political purpose.

(f) No county committeeman, or alternate to such office, or any employee on any day when entitled to pay for services in performance of duties, and no employee who serves during a continuous period of 90 days or more and has a regular tour of duty established in advance at any time, shall solicit, collect, receive, disburse or otherwise handle contributions of money, pledges, gifts, or anything of value (including the sale of tickets) made for:

(1) Political party organizations;

(2) A candidate for political office in any primary, general, or special election, but excluding such activities on behalf of individual candidates in township and municipal elections;

(3) Any other political purpose.

REMOVAL FROM OFFICE OR EMPLOYMENT

§ 7.28 County and community committeemen, and delegates to county convention; county office personnel.

(a) Any county committeeman, community committeeman, delegate to the county convention, an alternate to any such office, county executive director, or any other county employee who fails to perform the duties of his office; or who commits or attempts, or conspires to commit fraud; or is incompetent; or who impedes the effectiveness of any program administered in the county; or who violates the provisions of § 7.27 (e) or (f); or who refuses to carry out or fails to comply with the Department's policy relating to equal opportunity and civil rights, including the equal employment policy; or who interferes with others in carrying out such policy; or who violates official instructions, shall be suspended from his office or employment. Any person who is under formal investigation for any of the above-cited reasons may be suspended. The suspension action may be taken by the county executive director with respect to any other employee, or by the county committee or State committee with respect to the county executive director or any other county employee and by the State committee with respect to any county committeeman, community committeeman, delegate to the county convention, or any alternate to any such office. Any person suspended shall be given a written statement of the reasons for such action and 15 days from the date of mailing in which to advise the county committee, or the State committee if it made the suspension, in writing, in person, or both, why he should be restored to duty.

(b) The county committee, or the State committee if it made the suspension, following such further investigation as is deemed necessary, shall restore to duty or remove the suspended person; except that, the county committee may

not restore a suspended person to duty without prior written approval of the State committee, and upon refusal of such approval shall promptly remove such person. Upon refusal or failure of the county committee promptly to remove the suspended person, the State committee shall remove such person. In the event further investigation develops reasons, in addition to those disclosed in the suspension notice, for the action taken, the suspended person shall be given written notification of such additional reasons and 15 days from the date of mailing in which to advise why he should be restored to duty. In the event a person under suspension submits his resignation, acceptance thereof shall not prevent a determination by the county committee or State committee that he would have been removed had he remained in the position, and such a determination shall constitute removal within the meaning of §§ 7.15(e) and 7.16(c). The person so removed shall be given written notification of any such determination and the reasons therefor.

(c) Any former county committeeman, community committeeman, delegate to the county convention, an alternate to any such office, county executive director, or any other county employee who during his term of employment failed to perform the duties of his employment; or who committed, attempted, or conspired to commit fraud; or who impeded the effectiveness of any program administered in the county; or who violated the provisions of § 7.27 (e) or (f); or who refused to carry out or failed to comply with the Department's policy relating to equal opportunity and civil rights, including the equal employment policy; or who interfered with others in carrying out such policy; or who violated official instructions, may be disqualified for future service or employment by the State committee. Before any such disqualification determination is made, the State committee shall undertake such investigation as it deems necessary, after which the State committee shall give the affected person a written statement of reasons for the proposed disqualification action. Such person shall have 15 days from the date of mailing to advise in writing, in person, or both, why the action should not be taken. If any further investigation develops substantial additional reasons for disqualification, a person involved shall be given a written statement of such reasons and 15 days from the date of mailing in which to respond.

(d) Any county committeeman, community committeeman, delegate to the county convention, or any alternate to any such office, and county executive director, or any other county employee, who, prior to taking his present office, committed, or attempted or conspired to commit fraud, or who impeded the effectiveness of any program administered in the county, may be suspended. Any such person who is under formal investigation for any of the above cited reasons may be suspended. The proceedings under this paragraph shall be the same as in paragraph (a) of this section.

(e) If in the event of suspensions or vacancies there are less than two members, including alternates, available to serve on the county committee, the State committee shall designate a person to administer the programs in the county pending the exoneration or removal of those under investigation, and if removed, pending the election of new county committee members and alternates. Such person may be the remaining member or alternate member of the committee if available. Any person named by the State committee in such capacity shall have full authority to perform all duties regularly performed by a duly elected county committee.

§ 7.29 Delegation of authority to Deputy Administrator.

Notwithstanding the authority vested in the State committee, a county committee, and the county executive director by this part, the Deputy Administrator shall have authority to suspend and remove or disqualify for future service or employment, any county committeeman, community committeemen, delegate to the county convention, an alternate to any such office, county executive director, or other county employee, for any and all of the reasons and causes authorizing such suspension, removal, and disqualification by the State committee, the county committee, or the county executive director.

§ 7.30 Right of review.

Any person dissatisfied with a determination of the county committee may appeal such determination to the State committee. Any person dissatisfied with a determination of the State committee may appeal such determination to the Deputy Administrator. Any person dissatisfied with a determination of the Deputy Administrator made under § 7.29 may request a reconsideration of such determination by the Deputy Administrator. Such appeal or request for reconsideration shall be made within 15 days after receipt of the determination with respect to which the appeal or request is filed. Except as provided in § 7.31, such appeals and requests for reconsideration shall be determined on an informal basis. The person filing the appeal or request for reconsideration may present reasons, in writing, in person, or both, why the determination should be reversed or modified. Within 60 days after the reasons have been presented, such person shall be notified of the determination on appeal or reconsideration. The notification shall clearly set forth the basis for the determination.

§ 7.31 Hearing in connection with appeals and requests for reconsideration to Deputy Administrator.

Any person (hereinafter called the "appellant") filing an appeal with the Deputy Administrator, or a request for reconsideration of a determination made by the Deputy Administrator under § 7.29, is entitled, at his election, to a hearing in connection therewith. If the appellant does not request a hearing, the appeal or reconsideration shall be handled in accordance with § 7.30. If the appellant desires a hearing, he shall so advise the Deputy Administrator. The hearing shall be conducted by the Deputy Administrator, or, at the election of the appellant, an independent hearing officer appointed by the Deputy Administrator who shall be an individual not employed by ASCS. The hearing shall be held at the time and place designated by the hearing officer (the Deputy Administrator or independent hearing officer). The appellant is entitled to appear personally or through or accompanied by a representative. The hearing officer shall conduct the hearing so as to bring out pertinent facts, including the production of pertinent documents. Rules of evidence shall not be applied strictly, but the hearing officer shall exclude irrelevant or unduly repetitious evidence. Information having a bearing on the issues shall be received in evidence. Both the appellant and the agency representative are entitled to produce witnesses and the appellant and agency representative shall be given an opportunity to cross-examine witnesses. The hearing officer shall inform the witnesses that they are subject to a fine of not more than $10,000 or imprisonment for not more than 5 years or both for making any false statements (18 U.S.C. 1001). A transcript shall be made of the hearing and shall be made available to the appellant at actual cost.

§ 7.32 Findings, analysis, and recommendations of independent hearing officer.

If the hearing has been conducted by an independent hearing officer, he shall, within 60 days from the date of receipt of the transcript, transmit to the Deputy Administrator (a) the record of the hearing; (b) the findings and analysis of the hearing officer; and (c) his recommended determination.

§ 7.33 Determination of the Deputy Administrator.

Within 30 days after receipt of the findings, analysis, and recommendations of the hearing officer, or within 60 days from the date of receipt of the transcript if the Deputy Administrator conducted the hearing, the Deputy Administrator shall make his final determination. The appellant shall be notified in writing of the determination. The notification shall clearly set forth the basis for the determination.

CUSTODY AND USE OF BOOKS, RECORDS, AND DOCUMENTS

§ 7.34 Custody.

(a) All books, records, and documents of or used by the county committee in the administration of programs assigned to it, or in the conduct of elections, shall be the property of the United States Department of Agriculture and shall be

maintained in good order in the county office.

(b) For polling and mail type elections, ballots shall remain in sealed boxes until the prescribed date for counting. Following the counting of ballots in all types of elections, the ballots shall be placed in sealed containers and retained for 30 days unless otherwise determined by the State committee.

§ 7.35 Use.

The books, records, and documents referred to in § 7.32 shall be available for use and examination:

(a) At all times by authorized representatives of the Secretary of Agriculture, the Administrator, the Deputy Administrator, and the Deputy Administrator, Management, Agricultural Stabilization and Conservation Service;

(b) By State, county, and commnuity committeemen, and authorized employees of the State and county office in the performance of duties assigned to them under this part, subject to any limitations prescribed in official instructions;

(c) At any reasonable time to any program participant insofar as his interests under the programs administered by the county committee may be affected, subject to any limitations prescribed in official instructions; and

(d) To any other person only in accordance with official instructions issued.

GENERAL PROVISIONS

§ 7.36 Administrative operations.

The administrative operations of county committees including but not limited to the following, shall be conducted, except as otherwise provided in these regulations, in accordance with official instructions issued.

(a) Annual, sick, and other types of employee leave;

(b) Location and use of county committee office;

(c) Call, conduct, and records of county and community committee meetings.

§ 7.37 Implementation.

Unless specifically provided in this part, the Deputy Administrator, or the Deputy Administrator, Management, Agricultural Stabilization and Conservation Service, is authorized to issue the official instructions and official procedures referred to herein, implementing the regulations in this part.

§ 7.38 Applicability.

The regulation in this part shall apply to each State of the United States.

§ 7.39 Secretary, Administrator, or Deputy Administrator, not precluded from exercising authority.

Nothing in these regulations shall preclude the Secretary; Administrator, Agricultural Stabilization and Conservation Service; or Deputy Administrator, Agricultural Stabilization and Conservation Service, from administering any or all programs or exercising other functions delegated to the community committee, county committee, State committee, or any employee. In exercising this authority either the Secretary, Administrator, or Deputy Administrator may designate a person or persons of his choice to be in charge with full authority to carry on the programs or other functions without regard to the committee, committees, or their employees for such period of time he may deem necessary.

Signed at Washington, D.C., on April 18, 1977.

BOB BERGLAND,
Secretary of Agriculture.

[FR Doc.77-11577 Filed 4-20-77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 77-EA-15]

DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Establishment of a VOR Airway and Alteration of a Jet Route; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction.

SUMMARY: In the Notice of Proposed Rulemaking (NPRM) published in the FEDERAL REGISTER of March 31, 1977, Vol. 42, Page 17140, Amendment Paragraph No. 1, the Snow Hill, Md., 110° T radial is incorrect. It should be the Snow Hill, Md., 211° T radial.

EFFECTIVE DATE: April 21, 1977.

FOR FURTHER INFORMATION CONTACT:

David F. Solomon, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone: (202) 426-8530.

Accordingly, in FR Doc. 77-9443 appearing at page 17140 in the FEDERAL REGISTER of March 31, 1977, in Amendment Paragraph No. 1, "110° T" is deleted and "211° T" is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C 1348(a)); Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Washington, D.C., on April 13, 1977.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.77-11383 Filed 4-20-77;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 77-CE-8]

TRANSITION AREA AT CLARION, IOWA

Proposed Designation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making (NPRM).

SUMMARY: This notice proposes to designate a transition area at Clarion, Iowa, to provide controlled airspace for aircraft excuting instrument approach procedures to the Clairon Municipal Airport which are based on a Non Directional Radio Beacon (NDB) navigational aid being installed at the airport.

DATES: Comments must be received on or before May 26, 1977.

ADDRESSES: Send comments on the proposal to: FAA, Office of the Regional Counsel, ACE-7, Attention: Rules Docket Clerk, Docket No. 77-CE-8, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT:

Alden C. Schneider, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-537, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, telephone 816-374-3408.

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number, and be submitted in duplicate to the FAA, Office of the Regional Counsel, Central Region, Attention: Rules Docket Clerk, Docket No. 77-CE-8, 601 East 12th Street, Kansas City, Missouri 64106. All comments received on or before May 26, 1977 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in light of the comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 421-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2

which describes the application procedures.

THE PROPOSAL

The FAA is considering an amendment to Subpart G, Section 71.181 of the Federal Aviation Regulations (14 CFR 71.181) by designating a transition area at Clarion, Iowa. To enhance airport usage by providing instrument approach capability to the Clarion Municipal Airport, the City of Clarion, Iowa, is installing an NDB at the airport. This radio facility will provide new navigational guidance for aircraft utilizing the airport. The establishment of an instrument approach procedure based on this navigational aid entails designation of a transition area at and above 700 feet Above Ground Level (AGL) within which aircraft are provided air traffic control service. Section 71.181, pertaining to transition areas was republished on January 3, 1977 (42 FR 440).

Accordingly, the Federal Aviation Administration proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR 71.181), by adding the following new transition area:

CLARION, IOWA

That airspace extending upward from 700' above the surface within a 5 mile radius of the Clarion Municipal Airport (latitude 42°44'30" N., longitude 93°45'30" W.) and within 3 miles each side of the 311° bearing from the Clarion Municipal Airport, extending from the 5 mile radius to 8.5 miles northwest of the airport.

(Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Kansas City, Missouri, on April 8, 1977.

C. R. MELUGIN, Jr.,
Director, Central Region.

[FR Doc.77-11384 Filed 4-20-77;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 77-CE-9]

TRANSITION AREA AT MOUNTAIN VIEW, MISSOURI

Proposed Designation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making (NPRM).

SUMMARY: This notice proposes to designate a transition area at Mountain View, Missouri, to provide controlled airspace for aircraft executing instrument approach procedures to the Mills Memorial Airport which are based on a Non Directional Radio Beacon (NDB) navigational aid being installed at the airport.

DATES: Comments must be received on or before May 26, 1977.

ADDRESSES: Send comments on the proposal to: FAA, Office of the Regional Counsel, ACE-7, Attention: Rules Docket Clerk, Docket No. 77-CE-8, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT:

Alden C. Schneider, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-537, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, telephone 816-374-3408.

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number, and be submitted in duplicate to the FAA, Office of the Regional Counsel, Central Region, Attention: Rules Docket Clerk, Docket No. 77-CE-9, 601 East 12th Street, Kansas City, Missouri 64106. All comments received on or before May 26, 1977 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in light of the comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, S.W., Washington, D.C. 20591, or by calling (202) 421-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

THE PROPOSAL

The FAA is considering an amendment to Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR § 71.181) by designating a transition area at Mountain View, Missouri. To enhance airport usage by providing instrument approach capability to the Mills Memorial Airport, the City of Mountain View, Missouri, is installing an NDB at the airport. This radio facility provides new navigational guidance for aircraft utilizing the airport. The establishment of an instrument approach procedure based on this navigational aid entails designation of a transition area at and above 700 feet Above Ground Level (AGL) within which aircraft are provided air traffic control service. Section 71.181, pertaining to transition areas, was republished on January 3, 1977 (49 FR 440).

Accordingly, the Federal Aviation Administration proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR 71.181), by adding the following new transition area:

MOUNTAIN VEIW, MISSOURI

That airspace extending upward from 700' above the surface within a 5 mile radius of the Mills Memorial Airport (latitude 36°59'33" N., longitude 91°42'42" W.); and within 3 miles each side of the 106° bearing from the Mills Memorial Airport, extending from the 5 mile radius area to 8 miles east of the airport.

(Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Kansas City, Missouri, on April 8, 1977.

C. R. MELUGIN, Jr.,
Director, Central Region.

[FR Doc.77-11385 Filed 4-20-77;8:45 am]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[31 CFR Part 10]

PRACTICE BEFORE THE INTERNAL REVENUE SERVICE

Proposed Revision of Provisions Governing Practice by Former Government Employees and Miscellaneous Amendments

AGENCY: Department of the Treasury.

ACTION: Proposed rule.

SUMMARY: The proposed rule contains a number of amendments to the regulations governing practice by attorneys, certified public accountants, enrolled agents and others who represent clients before the Internal Revenue Service. The majority of the amendments are editorial changes in the regulations, or are necessary to eliminate outdated terms and provisions, or bring the regulations current with present law.

In addition, the proposed rule would amend the regulations to increase the restrictions on the representation of clients before the Internal Revenue Service by former government employees. The purpose of these amendments is to prevent any conflict of interest, or appearance of a conflict of interest, when a former employee appears before the Service to handle a matter in which he may have been involved while employed by the government.

DATE: Comments must be in writing and must be received on or before May 23, 1977. The effective date will be 30 days after publication of the anticipated final rule in the FEDERAL REGISTER.

ADDRESS: Comments should be addressed to Office of Director of Practice, U.S. Department of the Treasury, Washington, D.C. 20220.

FOR FURTHER INFORMATION CONTACT:

Mr. Leslie S. Shapiro, Director of Practice, 202-634-5071.

SUPPLEMENTARY INFORMATION:

PRACTICE BY FORMER GOVERNMENT EMPLOYEES

Section 10.26 is concerned with practice before the Internal Revenue Service by former government employees. This topic, a matter of proper professional conduct in the representation of taxpayers before the Internal Revenue Service, has been considered by the Chief Counsel's Advisory Committee on Rules of Professional Conduct ("the Advisory Committee"), which was formed on February 15, 1975. On March 31, 1976, at 41 FR 13628, and on September 21, 1976, at 41 FR 41106, the Advisory Committee published reports of its deliberations, including recommendations regarding practice before the Internal Revenue Service by former government employees and their partners and associates.

It is felt that the present § 10.26 is inadequate because it requires an ad hoc approach to conflict of interest problems. In light of recently increased sensitivity to such conflicts and the fact that our tax system is based largely on voluntary compliance, it is felt that former government employees and their partners and associates must avoid conflict of interest situations and even appearances of impropriety. Other considerations underlying the determination to revise § 10.26 include the right of the Internal Revenue Service to have its confidences protected, the mobility of individuals in and out of government, and the necessity for both the government and the private sector to rely on the expertise of individuals who in many cases have been employed in both sectors.

As revised, § 10.26 will continue to parallel the provisions of 18 U.S.C. 207 (a) and (b). However, the new definitions paragraph (§ 10.26(a)) will clarify the application of § 10.26 to many situations in which such application is now ambiguous. Further, new restrictions will apply to a former government employee's appearances before the Treasury Department regarding a rule in the development of which he participated as a government employee or for which, within a period of one year prior to the termination of his government employment, he had official responsibility. In addition, new rules (§ 10.26(c)) will govern representation and knowing assistance in a transaction by partners and associates of a former government employee where the former employee is barred from taking on any representation because of his participation in, or official responsibility for, such transaction as a government employee. The new rules will apply if the matter in which the government employee participated or had official responsibility falls within the proposed definition of "transaction" (§ 10.26(a)(8), (b)(2), (b)(3)) as distinguished from a "rule" (§ 10.26(a)(7), (b)(4). However, if certain conditions regarding isolation of the former government employee (§ 10.26(c) (1) or (2)) are met, the restrictions on representation and knowing assistance by partners and associates will not apply.

NEGOTIATION OF TAXPAYER REFUND CHECKS

Section 1203(f) of Pub. L. 94-455, October 4, 1976 ("the Tax Reform Act of 1976") creates, among other things, a new 26 U.S.C. 6695(f). Section 6695(f) provides that if any person who is an income tax return preparer endorses or otherwise negotiates a check made in respect of income taxes which is issued to a taxpayer other than the preparer, the preparer shall pay a $500 penalty with respect to each such check. It is felt that avoidance of conduct which warrants imposition of this penalty is properly made a duty incumbent on those who practice before the Internal Revenue Service. While it is believed the present provisions of 31 CFR Part 10 are sufficient to redress other misconduct referred to in Section 1203 of the Tax Reform Act of 1976, such is not the case with respect to section 6695(f). It is proposed to redesignate present § 10.31 as § 10.32 and to add a new § 10.31 to cure the deficiency.

KNOWLEDGE OF CLIENT'S OMISSION

At present, 31 CFR 10.21 imposes upon practitioners before the Internal Revenue Service a duty to advise a client of a failure to comply with the revenue laws only when such failure occurs in connection with a matter with respect to which the practitioner has been retained. For example if, in the course of preparing a client's 1976 income tax return, the practitioner learns that the client inadvertently omitted half of his gross income from his 1975 return with which the practitioner was not involved, § 10.21 imposes no duty to advise the client of the omission. The fact that the practitioner was not retained to prepare the 1975 return is not seen as a compelling reason for not imposing a duty to advise the client of the error as long as the practitioner has knowledge of it. In addition, by not imposing this duty in these circumstances, § 10.21 creates a less rigorous standard of conduct than that required of practitioners by, e.g., the American Bar Association and the American Institute of Certified Public Accountants. Opinion 314, 51 A.B.A.J. 671 (1965); Knowledge of Error: Return Preparation, in American Institute of Certified Public Accountants, "Statements on Responsibilities in Tax Practice" 18 (1976). Accordingly, it is proposed to amend § 10.21 so that a duty to advise the client of non-compliance, error or omission arises whenever the practitioner knows of such noncompliance, error or omission.

ENROLLED AGENT TELEPHONE DIRECTORY LISTINGS

In order to further explain the proposal to permit enrolled agents to refer to their enrollment in classified telephone directory listings, it should be noted that attorneys and certified public accountants can presently be listed in such directories under headings entitled "Lawyers" or "Accountants—Certified Public." As such, they are identified to members of the public as able to represent taxpayers before the Internal Revenue Service. Standard headings for classified directories contain no analogous headings for enrolled agents. These individuals must resort to headings such as "Accountants—Public," "Bookkeeping Service" or "Tax Return Preparation" and are precluded from informing the public in directory listings that they are eligible to practice. The proposed change will remedy this inequality.

CITIZENSHIP AND AGE REQUIREMENTS FOR ENROLLMENT

United States citizenship has long been a requirement for eligibility to be enrolled to practice before the Internal Revenue Service (31 CFR 10.4(c)). However, recent U.S. Supreme Court decisions have been critical of such requirements when imposed by state authorities and, in fact, have found them violative of the equal protection clause of the 14th Amendment. "Sugarman v. Dougall", 413 U.S. 634 (1973); "In re Griffiths," 413 U.S. 717 (1973). In addition, the Court has now held that the U.S. Civil Service Commission cannot, by regulation, generally bar resident aliens from federal employment. "Hampton v. Mou Sun Wong", 426 U.S. 88 (1976). The regulation in that case was found to deprive lawfully admitted resident aliens of the due process of law guaranteed by the 5th Amendment. While it is by no means clear that all such requirements run afoul of constitutional limitations, it is felt that the citizenship requirement in § 10.4(c) is not justified. Accordingly, its elimination is proposed.

Section 10.4(c) also provides that enrollment to practice may only be granted to individuals who are over 21 years of age. Satisfactory completion of the examination referred to in § 10.4(a) should demonstrate sufficient knowledge of and sensitivity to ethnical considerations of practice before the Internal Revenue Service. In addition, it is believed that the unusual individual who can demonstrate special competence in tax matters prior to his 21st birthday will have attained sufficient maturity to render valuable assistance to their clients and to avoid obstructing the administration of the revenue laws.

OATH OF ALLEGIANCE

Section 10.4(d) establishes an additional requirement for enrollment; namely, that an applicant must be able to take an oath of allegiance and support the Constitution of the United States. Note that applicants are not required to actually take such an oath or affirm such support; they must merely have no impediments to doing so.

At present, this is required only of enrolled persons. No equivalent requirement exists for others permitted to practice before the Internal Revenue Service

such as attorneys and certified public accountants.

Because of this unequal application and the fact that the actual taking of an oath is not required by the Internal Revenue Service of anyone who practices before it, it is proposed to eliminate the requirements in § 10.4(d).

PRACTICE IN MATTERS RELATING TO ECONOMIC STABILIZATION

31 CFR 10.0 includes within the scope of Part 10 rules concerning authority to practice before the Internal Revenue Service in matters relating to economic stabilization. Sections 10.9 and 10.10 contain those rules and the last sentence of § 10.2(a) refers to § 10.9. When added to Part 10, these rules were felt necessary for the expeditious implementation of the Economic Stabilization Act Amendments of 1971 and Executive Order No. 11627, as amended. However, the authority for an economic stabilization program expired at midnight on April 30, 1974. Title II of Pub. L. 91-379, Aug. 15, 1870, 84 Stat. 799, as amended by Pub. L. 91-558, title II, section 201, Dec. 17, 1970, 84 Stat. 1468; Pub. L. 92-8, section 2, March 31, 1971, 85 Stat. 13; Pub. L. 92-15, section 3, May 18, 1971, 85 Stat. 38; Pub. L. 92-210, section 2, Dec. 22, 1971, 85 Stat. 743; Pub. L. 93-28, sections 2-8, April 30, 1973, 87 Stat. 27-29. Exec. Order No. 11788, 39 FR 22113 (1974) authorized steps necessary for the orderly termination of the program by December 31, 1974. There is therefore no longer any practice before the Internal Revenue Service regarding economic stabilization matters. Accordingly, it is proposed to eliminate the regulations governing such practice by amending §§ 10.0 and 10.2(a) deleting §§ 10.9 and 10.10.

EDITORIAL CHANGES

31 CFR 10.56(b) provides that, when the Director of Practice institutes a disciplinary proceeding against a practitioner by service of a complaint, the complaint shall notify the practitioner of the time and place for answer. It also provides for notification that, if an answer is not filed as required, a decision by default "will" be rendered against the practitioner. This mandatory default judgment is felt to be harsh and at variance with both existing administrative practice and the consequence, set forth in § 10.65(b), of failure to appear at a hearing of which a practitioner has notice. Accordingly, it is proposed to amend § 10.56(b) by inserting "may" where "will" now appears.

The table of contents for 31 CFR Part 10, and §§ 10.57, 10.58, 10.60-10.62, 10.64-10.67, and 10.69-10.72 all refer to the person to preside over hearings on Director of Practice complaints as an "Examiner." The U.S. Civil Service Commission now uses, instead of that title, the term "Administrative Law Judge." 37 FR 16787 (1972); 5 CFR 930.203a (1974). Accordingly, it is proposed to change all references to "Examiner" in Part 10 to "Administrative Law Judge."

Section 10.6(b)(2), (c) and (d)(1) presently contain regulations which were necessitated by changes in requirements for eligibility to practice before the Internal Revenue Service wrought by the Agency Practice Act, 5 U.S.C. 500. However, those regulations concerned only the transition period following enactment of 5 U.S.C. 500 which is now over. Accordingly, it is proposed to delete § 10.6(b)(2), (c) and (d)(1).

Sections 10.64, 10.65, and 10.68 will be amended to update obsolete statutory references.

In consideration of the foregoing, it is proposed to amend 31 CFR Part 10 as follows:

1. By amending the table of contents to read as follows:

Sec.
10.0 Scope of part.

Subpart A—Rules Governing Authority To Practice

10.1 Director of practice.
10.2 Definitions.
10.3 Who may practice.
10.4 Eligibility for enrollment.
10.5 Application for enrollment.
10.6 Enrollment.
10.7 Limited practice without enrollment.
10.8 Customhouse brokers.

Subpart B—Duties and Restrictions Relating to Practice Before the Internal Revenue Service

10.20 Information to be furnished.
10.21 Knowledge of client's omission.
10.22 Diligence as to accuracy.
10.23 Prompt disposition of pending matters.
10.24 Assistance from disbarred or suspended persons and former Internal Revenue Service employees.
10.25 Practice by partners of Government employees.
10.26 Practice by former Government employees, their partners and their associates.
10.27 Notaries.
10.28 Fees.
10.29 Conflicting interests.
10.30 Solicitation.
10.31 Negotiation of taxpayer refund checks.
10.32 Practice of law.

Subpart C—Rules Applicable to Disciplinary Proceedings

10.50 Authority to disbar or suspend.
10.51 Disreputable conduct.
10.52 Violation of regulations.
10.53 Receipt of information concerning attorneys, certified public accountants and enrolled agents.
10.54 Institution of proceeding.
10.55 Conferences.
10.56 Contents of complaint.
10.57 Service of complaint and other papers.
10.58 Answer.
10.59 Supplemental charges.
10.60 Reply to answer.
10.61 Proof; variance; amendment of pleadings.
10.62 Motions and requests.
10.63 Representation.
10.64 Administrative Law Judge.
10.65 Hearings.
10.66 Evidence.
10.67 Depositions.
10.68 Transcript.
10.69 Proposed findings and conclusions.
10.70 Decision of the Administrative Law Judge.
10.71 Appeal to the Secretary.
10.72 Decision of the Secretary.
10.73 Effect of disbarment or suspension; surrender of card.
10.74 Notice of disbarment or suspension.
10.75 Petition for reinstatement.

Subpart D—General Provisions

Sec.
10.90 Records.
10.91 Effective date of regulations.
10.92 Saving clause.
10.93 Special orders.

AUTHORITY: Sec. 3, 23 Stat. 258, secs. 2-12, 60 Stat. 237 et seq.; (5 U.S.C. 301, 500, 551-559, 31 U.S.C. 1026), Reorg. Plan No. 26 of 1950, 15 F.R. 4935, 65 Stat. 1280, 3 CFR 1949-1953 Comp., except as otherwise noted.

2. By amending § 10.0 to read as follows:

§ 10.0 Scope of part.

This part contains rules governing the recognition of attorneys, certified public accountants, enrolled agents, and other persons representing clients before the Internal Revenue Service. Subpart A of this part sets forth rules relating to authority to practice before the Internal Revenue Service; Subpart B of this part prescribes the duties and restrictions relating to such practice; Subpart C of this part contains rules relating to disciplinary proceedings; and Subpart D of this part contains general provisions, including provisions relating to availability of official records.

§ 10.2 [Amended]

3. Section 10.2 is amended by deleting the last sentence of § 10.2(a).

4. Section 10.4 is amended as follows:

(a) By deleting the words "who are citizens of the United States and who are over the age of 21 years" in paragraph (c);

(b) By revoking paragraph (d);

(c) By redesignating paragraph (e) as paragraph (d); as follows:

§ 10.4 Eligibility for enrollment.

* * * * *

(c) *Natural persons.* Enrollment to practice may be granted only to natural persons.

(d) *Attorneys; certified public accountants.* Enrollment is not available to persons who qualify to practice under § 10.3 (a) or (b).

5. By amending § 10.5(a) to read as follows:

§ 10.5 Application for enrollment.

(a) *Form; fee.* An applicant for enrollment shall file with the Commission of Internal Revenue an application on Form 23, properly executed under oath or affirmation. Such application shall be accompanied by a check or money order in the amount set forth on Form 23, payable to the Internal Revenue Service, which amount shall constitute a fee which shall be charged to each applicant for enrollment. The fee shall be retained by the United States whether or not the applicant is granted enrollment.

(Sec. 501, Pub. L. 82-137, 65 Stat. 290 (31 U.S.C. 483a).)

* * * * *

6. Section 10.6 is amended as follows:

(a) By deleting paragraph (b)(2);

(b) By deleting paragraph (c);

(c) By deleting paragraph (d)(1);

(d) By redesignating paragraph (b)(1) as (b);

(e) By redesignating paragraph (d)(2) as (c); as follows:

§ 10.6 Enrollment.

* * * * *

(b) *Enrollment card.* The Commissioner shall issue an enrollment card to each agent who is enrolled to practice before the Internal Revenue Service after the effective date of this regulation. Each such enrollment card shall be valid so long as the holder shall remain enrolled and in good standing before the Service. Unless advised to the contrary by the Commissioner, any officer or employee of the Internal Revenue Service may consider the holder of a valid enrollment card to be duly authorized to practice before the Service.

(c) *Termination of enrollment.* The enrollment of any agent to whom an enrollment card is issued after the effective date of this regulation shall terminate at such time as such agent may become eligible to practice without enrollment under § 10.3 (a) or (b), and such agent shall forthwith return his enrollment card to the Commissioner for cancellation.

§ 10.9 [Deleted]

7. By deleting § 10.9:

§ 10.10 [Deleted]

8. By deleting § 10.10:

9. By amending § 10.21 to read as follows:

§ 10.21 Knowledge of client's omission.

Each attorney, certified public accountant, or enrolled agent who, having been retained by a client with respect to a matter administered by the Internal Revenue Service, knows that the client has not complied with the revenue laws of the United States or has made an error in or omission from any return, document, affidavit, or other paper which the client is required by the revenue laws of the United States to execute, shall advise the client promptly of the fact of such noncompliance, error, or omission.

10. By revising § 10.26 to read as follows:

§ 10.26 Practice by former Government employees, their partners and their associates.

(a) *Definitions.* For purposes of § 10.-26.—(1) "Assist" means to act in such a way as to advise, furnish information to or otherwise aid another person, directly or indirectly.

(2 "Government employee" is an officer or employee of the United States or any agency of the United tSates, including a "special government employee" as defined in 18 U.S.C. 202(a), or of the District of Columbia, or of any state, or a member of Congress or of any state legislature.

(3) "Member of a firm" is a sole practioner or an employee or associate thereof, or a partner, stockholder, associate, affiliate or employee of a partnership, joint venture, corporation, professional association or other affiliation of two or more practitioners who represent non-Government parties.

(4) "Practitioner" is an attorney, certified public accountant, enrolled agent or any other person authorized to practice before the Internal Revenue Service.

(5) "Official responsibility" means the direct administrative or operating authority, whether intermediate or final, and either exercisable alone or with others, and either personally or through subordinates, to approve, disapprove, or otherwise direct Government action, with or without knowledge of the action.

(6) "Participate" or "participation" means substantial involvement as a Government employee by making decisions, or preparing or reviewing documents with or without the right to exercise a judgment of approval or disapproval, or participating in conferences or investigations, or rendering advice of a substantial nature.

(7) "Rule" includes Treasury Regulations, whether issued or under preparation for issuance as Notices of Proposed Rule Making or as Treasury Decisions, and revenue rulings and revenue procedures published in the Internal Revenue Bulletin. "Rule" shall not include a "transaction" as defined in paragraph (a)(9) of this section.

(8) "Specific party or parties" means all parties whose tax status or legal rights will be or are affected by a transaction.

(9) "Transaction" means any decision, determination, finding, letter ruling, technical advice, contract or approval or disapproval thereof, or the failure to act with respect thereto, relating to a particular factual situation or situations involving a specific party or parties to which the United States is or will be a party or in which it has a direct and substantial interest, whether or not the same taxable periods are involved. "Transaction" does not include "rule" as defined in paragraph (a)(7) of this section.

(b) *General rules.* (1) No former Government employee shall, subsequent to his Government employment, represent anyone in any matter administered by the Internal Revenue Service if the representation would violate 18 U.S.C. 207(a) or (b) or any other laws of the United States.

(2) No former Government employee who participated in a transaction shall, subsequent to his Government employment, represent or knowingly assist, in that transaction, any person who is or was a specific party to that transaction.

(3) No former Government employee who within a period of one year prior to the termination of his Government employment had official responsibility for a transaction shall, within one year after his Government employment is ended, represent or knowingly assist in that transaction any person who is or was a specific party to that transaction.

(4) No former Government employee shall, within one year after his Government employment is ended, appear before any employee of the Treasury Department in connection with the publication, withdrawal, amendment, modification, or interpretation of a rule in the development of which the former Government employee participate or for which, within a period of one year prior to the termination of his Government employment, he had official responsibility. However, this subparagraph does not preclude such former employee from appearing on his own behalf or from representing a taxpayer before the Internal Revenue Service in connection with a transaction involving the application or interpretation of such a rule with respect to that transaction, provided that such former employee shall not utilize or disclose any confidential information acquired by the former employee in the development of the rule, and shall not contend that the rule is invalid or illegal. In addition, this subparagraph does not preclude such former employee from otherwise advising or acting for any person.

(c) *Firm representation.* (1) No member of a firm of which a former Government employee is a member may represent or knowingly assist a person who was or is a specific party in any transaction with respect to which the restrictions of paragraphs (b)(1) or (b)(2) of this section apply to the former Government employee, in that transaction, unless:

(i) No member of the firm who had knowledge of the participation by the Government employee in the transaction initiated discussions with the Government employee concerning his becoming a member of the firm until his Government employment is ended or six months after the termination of his participation in the transaction, whichever is earlier;

(ii) The former Government employee did not initiate any discussions concerning becoming a member of the firm while participating in the transaction or, if such discussions were initiated, they conformed with the requirements of 18 U.S.C. 208(b); and

(iii) The firm isolates the former Government employee in such a way that he does not assist in the presentation.

(2) No member of a firm of which a former Government employee is a member may represent or knowingly assist a person who was or is a specific party in any transaction with respect to which the restrictions of paragraph (b)(3) of this section apply to the former employee, in that transaction unless the firm isolates the former Government employee in such a way that he does not assist in the representation.

(3) When isolation of the former Government employee is required under paragraphs (c)(1) or (c)(2) of this section, a statement affirming the fact of such isolation shall be executed under oath by the former Government employee and by a member of the firm acting on behalf of the firm, and shall be filed with the Director of Practice and in such other place and in the manner prescribed by regulation. This statement shall clearly identify the firm, the former Government employee, and the

transaction or transactions requiring such isolation.

11. By amending § 10.30 to read as follows:

§ 10.30 Solicitation.

* * * In the case of an enrolled agent, the phrase "enrolled to practice before the Internal Revenue Service," when appearing on the stationery, letterhead or professional card of such enrolled agent or following the name of the enrolled agent in a classified telephone directory listing is not considered to violate this prohibition. * * *

12. By redesignating § 10.31 as § 10.32.

13. By adding a new § 10.31 to read as follows:

§ 10.31 Negotiation of taxpayer refund checks.

No attorney, certified public accountant or enrolled agent who is an income tax return preparer shall endorse or otherwise negotiate any check made in respect of income taxes which is issued to a taxpayer other than the attorney, certified public accountant or enrolled agent.

§ 10.32 [Redesignated from § 10.31]

14. By amending § 10.56(b) to read as follows:

§ 10.56 Contents of complaint.

* * * * *

(b) *Demand for answer.* In the complaint, or in a separate paper attached to the complaint, notification shall be given of the place and time within which the respondent shall file his answer, which time shall not be less than 15 days from the date of service of the complaint, and notice shall be given that a decision by default may be rendered against the respondent in the event he fails to file his answer as required.

15. By amending § 10.64(a) to read as follows:

§ 10.64 Administrative Law Judge.

(a) *Appointment.* An Administrative Law Judge, appointed as provided by 5 U.S.C. 3105 (1966), shall conduct proceedings upon complaints for the disbarment or suspension of attorneys, certified public accountants, or enrolled agents.

* * * * *

16. By amending § 10.65(a) to read as follows:

§ 10.65 Hearings.

(a) *In general.* The Administrative Law Judge shall preside at the hearing on a complaint for the disbarment or suspension of an attorney, certified public accountant, or enrolled agent. * * * Hearings will be conducted pursuant to 5 U.S.C. 556 (1966).

* * * * *

17. By amending § 10.68 to read as follows:

§ 10.68 Transcript.

* * * (Sec. 501, Pub. L. 82-137, 65 Stat. 290 (31 U.S.C. 483a))

§§ 10.57, 10.58, 10.62–10.62, 10.64–10.67 and 10.69–10.72 [Amended]

18. By amending §§ 10.57(c); 10.58 (a) and (c), 10.60–10.62, 10.64(b)(2), 10.65 (b); 10.66 (a), (d) and (e); 10.67 and 10.69–10.72 to change the term "Examiner" to "Administrative Law Judge."

Dated: March 29, 1977.

HENRY C. STOCKWELL, Jr.,
Acting General Counsel.

NOTE.—The Department of the Treasury has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-107.

[FR Doc.77-11509 Filed 4-20-77; 8:45 am]

POSTAL RATE COMMISSION

[39 CFR Part 3001]

[Docket No. RM77-3]

PUBLIC ATTENDANCE AT MEETINGS OF THE POSTAL RATE COMMISSION

Proposed Amendments to Rules

APRIL 13, 1977.

AGENCY: Postal Rate Commission.

ACTION: Proposed Rules.

SUMMARY: The proposed changes to the rules would provide for the delegation, in the absence of the General Counsel, of the General Counsel's responsibility for certifying that a Commission meeting may be properly closed; would add a provision affording a person an opportunity to request the Commission to review its decision to open or close an impending meeting; and would include documents furnished pursuant to the Government in the Sunshine Act in the rule governing payment of fees for duplication of records. In amending its rules, the Commission intends to facilitate the administration of the rules governing Commission meetings while safeguarding the interests of the public.

DATES: Comments due: April 25, 1977.

FOR FURTHER INFORMATION CONTACT:

Barbara Weller, Advisory Attorney, Office of the General Counsel, Postal Rate Commission, Washington, D.C. 20268, 202-254-3836.

SUPPLEMENTARY INFORMATION: Pursuant to the authority contained in 39 U.S.C. 3603 and 5 U.S.C. 552b(g), the Postal Rate Commission gives notice that it proposes to amend certain sections of 39 CFR Part 3001, Subpart A, to incorporate modifications and additions to the rules the Commission has adopted[1] to implement the open meeting requirements of section 3(a) of the Government in the Sunshine Act (Pub. L. 94-409). The Commission believes the proposed changes are necessary to facilitate the administration of the rules governing open meetings and will, if adopted, enable a member of the public to seek review of the Commission's determinations under the rules.

Fees for duplication of documents under the Sunshine Act. The Commission proposes to amend § 3001.42(c)(4) of the current rules of practice and procedure by adding documents furnished pursuant to the Sunshine Act to the provision for payment of fees for duplication. The Sunshine Act specifies that copies of minutes or ranscripts of meetings shall be furnished to any person at the actual cost of duplication (5 U.S.C. 552b(f)(2)), which is currently 15 cents per page in the Commission's Public Information Room. Paragraph (c)(4) of § 3001.42 also provides that the fee may be waived or reduced when the Commission determines it is in the public interest.

Delegation of the General Counsel's Certification. The Commission also proposes to amend § 3001.43(f)(1) in order to provide for the delegation of the General Counsel's responsibility to certify that in his or her opinion a Commission meeting may be closed pursuant to an exemption whenever the General Counsel is unavailable. The senior advisory Assistant General Counsel would be designated to act in the General Counsel's absence. The Commission believes the proposed amendment will help assure the proper functioning of the rules under the Sunshine Act when the General Counsel is unavailable.

Commission review of requests to open or close a meeting. The proposed new paragraph (g) to § 30001.43 contains procedures which would permit any person to request the Commission to open or close a meeting once the Commission has announced a contrary determination. The procedures have been patterned upon those adopted by other independent regulatory agencies in conjunction with their adoption of rules implementing the Sunshine Act.

The Commission believes it is advisable to incorporate an agency appeal provision in order to afford individuals an opportunity to present the Commission with an opposing view and request reconsideration of the Commission's determination. Implementation of the additional procedure would be advisable for two reasons: (1) it might serve to avert an unnecessary complaint being filed in federal district court if the disagreement can be resolved at the administrative level; and (2) if the disagreement cannot be so resolved, the process of pursuing administrative remedies would better refine and focus the parties' positions prior to the filing of a suit.

In consideration of the foregoing, the Commission proposes to amend 39 CFR Part 3001 as follows:

Subpart A—Rules of General Applicability

1. By amending paragraph (c)(4) of § 3001.42 to read as follows:

§ 3001.42 Public information and requests.

* * * * *

(c) * * *

(4) *Fees.* Documents furnished pursuant to the Freedom of Information Act or the Government in the Sunshine Act shall be subject to a fee of 15 cents a page to meet the costs of duplication.

* * * * *

[1] 42 FR 13,287 (1977).

2. By amending paragraph (f) (1) and by adding paragraph (g) to § 3001.43 to read as follows:

§ 3001.43 Public attendance at Commission meetings.

* * * * *

(f) *Certification of closed meetings; transcripts, electronic recordings, and minutes.* (1) Before any meeting to be closed pursuant to paragraphs (c) (1) through (c) (10) of this section, the General Counsel of the Commission, or in the General Counsel's absence, the senior advisory Assistant General Counsel, should publicly certify that, in his or her opinion, the meeting may be closed to the public and shall state each relevant exemptive provision.

* * * * *

(g) *Requests to open or close Commission meetings.* (1) (i) Any person may request in writing that the Commission open to public observation discussion of a matter which it has earlier decided to close.

(ii) Such requests shall be captioned "Request to open _____ (date) Commission meeting on item _____ (number or description)." The request shall state the reason(s) therefor, the name and address of the person making the request and, if desired, a telephone number.

(iii) Ten copies of such requests must be received by the Office of the Secretary no later than three working days after the issuance of the Notice of Meeting to which the request pertains. Requests receivd after that time will be returned to the requester with a statement that the request was untimely received and that copies of any nonexempt portions of the transcript or minutes for the meeting in question will ordinarily be available in the Office of Public Information ten working days after the meeting.

(2) (i) Any person whose interests may be directly affected may request in writing that the Commission close to public observation discussion of a matter which it has earlier decided to open as provided for in paragraph (d) (2) of this section.

(ii) Such requests shall be captioned "Request to Close _____ (date) Commission meeting on item _____ (n:umber or description)", shall state the reason(s) therefor, the name and address of the person making the request and, if desired, a telephone number.

(iii) Ten copies of such requests should be filed with the Office of the Secretary as soon as possible after the issuance of the Notice of Meeting to which the request pertains. A single copy of the request will be accepted. Requests to close meetings must be received by the Office of the Secretary no later than the time scheduled for the meeting to which such request pertains.

(3) The Secretary shall retain one copy of timely requests and forward one copy to each Member, one copy to the interested Office, and two copies to the Docket Section, one for entry in the appropriate docket file, if any, and one to be posted on the Public Notice Board located in that section as an attachment to the Notice of Meeting to which it pertains.

(4) Responsive pleadings to requests to open or close shall not be accepted.

(5) Any Member may require that the Commission vote upon the request to open or close. If the request is supported by the votes of a majority of the agency membership, notice of change in meeting shall be issued and the Secretary shall immediately notify the requester and, before the close of business the next working day, have posted such vote and other material required by § 3001.43 (d) and (e) on the Commission's Public Notice Board.

(6) If no Commission Member requests that a vote be taken on a request to open or close a Commission meeting, the Secretary shall by the close of the next working date after the meeting to which such request pertains certify that no vote was taken. The Secretary shall forward one copy of that certification to the requester and two copies of that certification to the Docket Section, one to be placed in the appropriate Docket file, if any, and one to be posted on the Public Notice Board, where it will be displayed for one week.

Comments regarding the efficacy and fairness of the proposed rules are invited and are to be filed by April 15, 1977. An original plus 19 fully conformed copies of all comments and replies must be filed with the Secretary of the Commission at the offices of the Postal Rate Commission, 2000 L Street, NW., Washington, D.C. 20268.

By the Commission.

DAVID F. HARRIS,
Secretary.

[FR Doc.77-11604 Filed 4-20-77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 750]

[FRL 703-2]

TOXIC SUBSTANCES CONTROL

Procedures for Rulemaking Under Section 6 of the Toxic Substances Control Act

AGENCY: Environmental Protection Agency.

ACTION: Proposed rules.

SUMMARY: Section 6 of the Toxic Substances Control Act, 15 U.S.C. 2605, allows EPA to control potentially toxic substances by rulemaking. The statute requires EPA to follow certain procedures in promulgating these rules. It must establish a record to contain the documents being considered, and hold a hearing with some opportunity for cross-examination. These proposed rules implement those procedural requirements.

DATES: All comments must be submitted on or before July 1, 1977. Interim comments as to the procedures to be followed in our PCBs hearing (see below) should be received by May 9, 1977. Three copies of all comments should be provided.

ADDRESSES: All comments should be addressed to: William F. Pedersen, Jr., Special Assistant to the General Counsel (A-130), Office of General Counsel, Environmental Protection Agency, 401 "M" Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

William F. Pedersen, Jr., Special Assistant to the General Counsel, Office of General Counsel, 401 "M" Street SW., Washington, D.C. 20460, 202-755-0433.

SUPPLEMENTAL INFORMATION: The basic approach of the proposed rules is to resolve the questions raised by a given rulemaking in the least procedurally burdensome way. In this manner we hope to avoid the waste of time and resources that has characterized formal agency proceedings in the past.

The first step will be an exchange of written comments. EPA, when it proposes a rule, will explain the factors behind it in detail, and written comment on that proposal will be received.

After these comments have been examined and digested, a "legislative" hearing before a panel of EPA employees will be held.

Finally, an opportunity for cross-examination will be provided on questions of fact which are material to the rulemaking, which still remain unresolved after the written comments and legislative hearing, and which are suitable for resolution by cross-examination.

In this way, questions will be sifted through successive procedures of increasing formality, with only those questions that cannot be resolved by the less burdensome approach passing on to the more formal stages.

Appendix A sets forth the schedule for a typical rulemaking under these procedures in order to give some concrete idea of how they will work in practice. In addition, since the procedures proposed today break new legal ground in some respects, a Legal Support Document has been prepared and is available at the above address. The reasoning it sets forth is an integral part of our decision to proceed in this manner. We expect that the rules proposed today (with modifications to be announced later) will constitute the procedures for conducting EPA's hearing on PCBs, which will be the first hearing under section 6 of the Toxic Substances Control Act. In their proposed form, they may also govern our hearing on non-essential aerosol uses of chlorofluorocarbons as well. This will allow for some concrete experience with the approach proposed today before any final decision on whether to implement it is made.

As noted above, comments on any changes that should be made before these proposed rules are used for the PCBs hearing are due by May 9, 1977.

The description in the regulations of what will be issued along with a Notice of Proposed Rulemaking contains no

reference to the specific findings that must be made to make a rule immediately effective under section 5(f) or section 6(d)(2). Nevertheless, action under these sections may still be taken in appropriate instances. To the extent appropriate, the procedures to be established by this rulemaking will govern the issuance of rules effective on proposal; agency action to further specify the particular approach to be taken in such a case is not contemplated at this time.

This Notice of Proposed Rulemaking is issued under authority of section 6 of the Toxic Substances Control Act, 15 U.S.C. 2605.

Dated: April 13, 1977.

DOUGLAS M. COSTLE,
Administrator.

Title 40 of the Code of Federal Regulations is amended by adding a new Part 750 as set forth below:

PART 750—PROCEDURES FOR RULEMAKING UNDER SECTION 6 OF THE TOXIC SUBSTANCES CONTROL ACT

Sec.

750.1 Applicability.
750.2 Notice of proposed rulemaking.
750.3 Record.
750.4 Public comments.
750.5 Participation in informal hearing.
750.6 Conduct of legislative hearing.
750.7 Cross-examination.
750.8 Final rule.

Appendix A

§ 750.1 Applicability.

This Part applies to all rulemakings under authority of section 6 of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2605.

§ 750.2 Notice of proposed rulemaking.

(a) Each rulemaking subject to this Part shall begin with the publication of a Notice of Proposed Rulemaking in the FEDERAL REGISTER.

(b) Each such notice shall contain:

(1) A draft finding that there is a reasonable basis to conclude that the manufacture, processing, distribution in commerce, use or disposal of the chemical substance(s) or mixture(s) at issue, or any combination of such activities, presents or will present an unreasonable risk of injury to health or the environment.

(2) A Notice of Proposed Rulemaking starting with particularity the reasons for the proposed rule together with a statement why the proposed rule protects adequately against the risk(s) involved using the least burdensome requirements authorized by TSCA.

(3) Either the draft text of the proposed rule (which may include alternative approaches among which a final choice has not yet been made) or a description of the approaches and provisions being considered for inclusion in the rule, or some combination of the above.

(4) Except for rules published under authority of section 6(e), a draft statement with respect to:

(i) The effects of the substance(s) or mixture(s) at issue on health and the magnitude of the exposure of human beings to such substance(s) or mixture(s);

(ii) The effects of the substance(s) or mixture(s) at issue on the environment and the magnitude of the exposure of the environment to such substance(s) or mixture(s);

(iii) The benefits of the substance(s) or mixture(s) at issue for various uses and the availability of substitutes for such uses, and

(iv) The reasonably ascertainable economic consequences of the rule, after consideration of the effect on the national economy, small business, technological innovation, the environment, and public health.

(5) In cases where the Administrator, in his or her discretion, determines that a risk of injury to health or the environment could be eliminated or reduced to a sufficient extent by actions taken under a Federal law (or laws) other than TSCA administered in whole or in part by the Administrator, a finding that it is in the public interest to proceed against such risk under TSCA. Any such finding shall be accompanied by a brief statement discussing:

(i) All relevant aspects of the risk;

(ii) A comparison of the estimated costs of complying with actions taken under TSCA and under such other law (or laws); and

(iii) The relative efficiency of actions under TSCA and under such other law (or laws) to protect against such risk of injury.

Two or more or all of the statements required above may be combined in the same narrative for efficiency of exposition as long as each of the required points is discussed. Any statement required by this paragraph may reference other documents which are not published in the FEDERAL REGISTER. All such referenced documents shall be included in the rulemaking record. Either the statements required by this paragraph or the documents they reference shall contain a discussion of the factual, analytical, policy and legal considerations behind the agency decision to issue the proposed rule in the form chosen. All factual materials and each analytical methodology relied on shall be fully disclosed. Significant areas of uncertainty known to the Agency under each heading shall be identified, and the manner in which the Agency intends to deal with them shall be specified.

(c) In addition to the material required under paragraph (b), each notice of proposed rulemaking shall contain:

(1) A statement of the time and place at which the informal hearing required by section 6(c)(2)(C) of TSCA shall begin, or, to the extent these are not specified, a statement that they will be specified later in a separate FEDERAL REGISTER notice;

(2) A statement identifying the place at which the official record of the rulemaking is located; the hours during which it will be open for public inspection, the documents contained in it as of the date the notice of proposed rulemaking was issued, and a statement of the approximate times at which additional materials such as public comments, hearing transcripts, and agency studies in progress will be added to the record. If any material other than public comments or material generated by a hearing is added to the record after publication of the notice required by this section, and notice of its future addition was not given at the time of that initial publication, a separate FEDERAL REGISTER notice announcing its addition to the record and inviting comment shall be published;

(3) The due date for public comments, which shall be at least two weeks prior to the informal hearing for main comments and no more than two weeks after the informal hearing for reply comments; and

(4) The name, address and office telephone number of the Record and Hearing Clerk for the rulemaking in question.

§ 750.3 Record.

(a) No later than the date of proposal of a rule subject to this part, a rulemaking record for that rule shall be established. It shall consist of a separate identified filing space containing:

(1) All documents required by § 750.2(b);

(2) All documents cited in the documents required by § 750.2(b);

(3) All public comments timely received;

(4) All public hearing transcripts;

(5) All material received during an informal hearing and accepted for the record of that hearing; and

(6) Any other information which the Administrator considers to be relevant to such rule and which the Administrator identified, on or before the date of the promulgation of the rule, in a notice published in the FEDERAL REGISTER.

All material in the record shall be filed and indexed under one of these headings, and, to the extent necessary for ease of reference, subcategories within each of these headings shall be created and documents filed under them. Each record shall be available for public inspection during normal Agency business hours. Appropriate arrangements allowing members of the public to copy record materials that do not risk the permanent loss of such materials shall be made. All material required to be included in the record shall be added to the record as soon as feasible after its receipt by the Agency.

(b) The Record and Hearing Clerk for each rulemaking shall be responsible for Agency compliance with the requirements of paragraph (a) of this section.

§ 750.4 Public comments.

(a) Main comments shall be due at the time specified in the Notice of Proposed Rulemaking and shall contain all comments on and criticisms of that Notice by the commenting person, based on information which is or reasonably could have been available to that person at the time. Where necessary, subpoenas requir-

ing the equivalent of main comments may be issued.

(b) Reply comments shall be due two weeks after the close of all informal hearings on the proposed rule and shall be restricted to comments on:

(1) Other comments;

(2) Material in the hearing record; and

(3) Material which was not and could not reasonably have been available to the commenting party a sufficient time before main comments were due.

(c) Extensions of the time for filing comments may be granted in writing by the Record and Hearing Clerk. Application for an extension may be made orally or in writing. Comments filed after the comment period and all extensions of it have expired will not be added to the rulemaking record and will not be considered in decisions concerning the rule. Unless the Notice of Proposed Rulemaking states otherwise, four copies of all comments shall be submitted.

§ 750.5 Participation in informal hearing.

(a) Each person or organization desiring to participate in the informal hearing required by section 6(c)(2)(C) of TSCA shall file a written request to so participate with the Record and Hearing Clerk at least three weeks prior to the scheduled start of such hearing. The request shall include:

(1) A brief statement of the interest of the person or organization in the proceeding;

(2) A brief outline of the points to be addressed;

(3) An estimate of the time required; and

(4) If the request comes from an or-organization, a non-binding list of the persons to take part in the presentation. Organizations are requested to bring with them, to the extent possible, employees with individual expertise in and responsibility for each of the areas to be addressed; if necessary, subpoenas will be issued to ensure this result. No organization not filing main comments in the rulemaking will be allowed to participate at the hearing, unless a waiver of this requirement is granted in writing by the Record and Hearing Clerk.

(b) No later than one week prior to the start of the hearing, the Record and Hearing Clerk shall make a hearing schedule publicly available and mail or deliver it to each of the persons who requested to appear at the hearing. This schedule shall be subject to change during the course of the hearing at the discretion of those presiding over it.

(c) Opening statements should be brief, and restricted either to points that could not have been made in main comments, or to emphasizing points which are made in main comments, but which the participant believes can be more forcefully urged in the hearing context.

§ 750.6 Conduct of legislative hearing.

(a) A panel of EPA employees shall preside at each hearing conducted under section 6(c)(2)(C) of TSCA. The membership of the panel may change as different topics arise during the hearing. In general, the panel membership will consist of agency employees with special responsibility for the final rule or special expertise in the topics under discussion.

(b) The panel may question any individual or group participating in the hearing on any subject relating to the rulemaking. Cross-examination by others will not be permitted at this stage. However, persons in the hearing audience may at their discretion submit questions in writing for the hearing panel to ask the participants, and the hearing panel may, at their discretion, ask these questions.

(c) Participants in the hearing may submit additional material for the hearing record and shall submit such additional material as the hearing panel may request. All such submissions shall be logged in by the Record and Hearing Clerk and shall thereupon become part of the record of the hearing. A verbatim transcript of the hearing shall be made.

§ 750.7 Cross-examination.

(a) Within one week after the close of the legislative hearing conducted under § 750.6, any participant in that hearing may submit a request for cross-examination. The request shall specify:

(1) The disputed issue(s) of material fact as to which cross-examination is requested. This shall include an explanation of why the questions at issue are "factual", rather than of an analytical or policy nature, the extent to which they are in "dispute" in the light of the record made thus far, and the extent to which and why they can reasonably be considered "material" to the decision on the final rule; and

(2) The person(s) the participant desires to cross-examine, and an estimate of the time necessary. This shall include a statement why the cross-examination requested can be expected to result in "full and true disclosure" resolving the issue of material fact involved.

(b) Within one week after receipt of all requests for cross-examination under paragraph (a) of this section the hearing panel shall rule on them. The ruling shall be served by the Record and Hearing Clerk on all participants who have requested cross-examination and shall be inserted in the record. The ruling shall specify:

(1) The issues as to which cross-examination is granted, (2) The persons to be cross-examined on each issue, (3) The persons to be allowed to conduct cross-examination, and (4) Time limits for the examination of each witness by each cross-examiner.

In issuing this ruling, the panel may determinate that one or more participants who have requested cross-examination have the same or similar interests and should be required to choose a single representative for purposes of cross-examination. In such a case the order shall simply assign time for cross-examination by that single representative without identifying the representative further. Subpoenas for witnesses may be issued where necessary.

(c) Within one week after the issuance of the ruling under paragraph (b) of this section, the hearing at which the cross-examination will be conducted shall commence. One or more members of the original panel shall preside for the Agency. The panel shall have authority to conduct cross-examination on behalf of any participant, although as a general rule this right will not be exercised. The panel shall also have authority to modify the governing ruling in any respect and to make new rulings on group representation under section 6(c)(3)(C) of TSCA. A verbatim transcript of the hearing shall be made.

§ 750.8 Final rule.

(a) As soon as feasible after the deadline for submittal of reply comments, the Agency shall issue a final rule. Final versions of the statements required by paragraph (b) of §750.2 shall be published in the FEDERAL REGISTER together with the final rule. The Agency shall also publish at that time:

(1) A list of all material added to the record (other than public comments and material from the hearing record) which has not previously been listed in a FEDERAL REGISTER document, and

(2) The effective date of the rule.

APPENDIX A

To assist in reading the regulations set forth above, this Appendix sets forth the principal stages through which rules promulgated under section 6 of TSCA will pass.

The second column gives the relationship that one date bears to another whenever that relationship is specified in the regulations, and cites the governing provision. The third column contains estimates of the time that a typical rulemaking is likely to require to reach and complete each stage of these proceedings. In drawing up this third column, we have assumed that 60 days will be allowed for the submission of main comments; that the legislative phase of the informal hearing will take two weeks, and that cross-examination will take four days. Since these are only estimates, in any given rulemaking shorter or longer times may actually be required for each of these stages.

Stage	Timing in relation to other stages	Estimated total time elapsed (days)
Propose regulation	Sec. 750.2	
Requests to participate in informal hearing due	3 weeks prior to beginning of hearing (Sec. 750.5(a)).	53
Main comments due	2 weeks prior to beginning of hearing (Sec. 750.2(c)(3)).	60
Begin informal hearing		74
End legislative hearing		88
Requests for cross-examination due	1 week after end of legislative hearing (Sec. 750.7(a)).	95
Ruling on cross-examination requests	1 week after requests are due (Sec. 750.7(b))	102
Cross-examination begins	1 week after ruling on cross-examination requests (Sec. 750.7(c)).	109
Cross-examination ends; informal hearing ends		113
Comments due	2 weeks after end of informal hearing (Sec. 750.4(b)).	127

[FR Doc.77-11502 Filed 4-20-77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 21195; Rm. 2823]

FM BROADCAST STATIONS; KANSAS

Proposed Change in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken proposing to assign a first FM Class A channel to Windsor, North Carolina. The petitioner, Bermey E. Stevens, states that an FM station is needed to provide local service to the community.

DATES: Comments must be received on or before May 23, 1977, and reply comments must be received on or before June 13, 1977.

ADDRESS: Mildred B. Nesterak, Legal Branch, Policy and Rules Division, Broadcast Bureau, Federal Comunications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, 202-632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: April 7, 1977.

Released: April 13, 1977.

1. *Petitioner, Proposal nad Comments:* (a) Petition for rule making [1] filed January 4, 1977, by Edwin D. and Zora B. Hundley, dba Sumner Broadcasting Company, proposing the assignment of Channel 228A to Wellington, Kansas, as a first FM assignment to that community.

(b) The channel could be assigned without affecting any existing FM assignments and would be in conformity with the minimum distance separation requirements. No oppositions to the petition were received.

[1] Public Notice of the filing of the petition was given on January 28, 1977 (Report No. 1028).

(c) Petitioner states that it will promptly file an application for the channel, if assigned.

2. *Community Data:* (a) Location: Wellington, seat of Sumner County, is located approximately 48 kilometers (30 miles) south of Wichita, Kansas.

(b) *Population:* Wellington, 8,338; [2] Sumner County, 23,553.

(c) *Local Broadcast Service:* Wellington has a daytime-only AM station (KLEY), licensed to petitioner.

3. *Economic Data:* Petitioner states that the population of Wellington has increased 3 percent between 1970 and 1975. Wellington is primarily an agricultural area specializing in the production of wheat and soybeans. Its major industries consist of manufacturing aircraft parts and mobile homes. Petitioner asserts that there is a particular need for an FM station to provide local weather information to the farmers and workers, coverage of general events in the community, including storm alerts, nighttime sports, school announcements, and to provide a new local competitive advertising outlet for retail businesses in Wellington and Sumner County.

4. In view of the apparent need for a first full-time local broadcast service in Wellington and Sumner County, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules with regard to Wellington, Kansas, as follows:

City	Channel No.	
	Present	Proposed
Wellington, Kans.		228A

5. The Commission's authority to institute rule making proceedings; showings required; cut-off procedures; and filing requirements are contained below and are incorporated herein.

6. Interested parties may file comments on or before May 23, 1977, and reply comments on or before June 13, 1977.

[2] Both population figures are taken from the 1970 U.S. Census.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection wtih the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc.77-11568 Filed 4-20-77;8:45 am]

[47 CFR Part 73]

[Docket No. 21196; Rm 2813]

FM BROADCAST STATIONS, NORTH CAROLINA

Proposed Change in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken proposing to assign a first Class A FM channel to Wellington, Kansas. The petitioner, Sumner Broadcasting Company, states that there is a need for an FM station to provide local programming service.

DATES: Comments must be received on or before May 23, 1977, and reply comments must be received on or before June 13, 1977.

ADDRESS: Mildred B. Nesterak, Legal Branch, Policy and Rules Division, Broadcast Bureau, Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, 202-632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: April 7, 1977.

Released: April 13, 1977.

1. *Petitioner, Proposal and Comments:* (a) A petition for rule making was filed[1] by Bermey E. Stevens (petitioner) proposing the assignment of Channel 249A to Windsor, North Carolina, as a first FM assignment to the community. No oppositions to the petition were received. (b) Channel 249A could be assigned to Windsor without affecting any existing FM assignments. The station would have to be located at least 4 kilometers (2.5 miles) northeast of the community to comply with the Commission's distance separation requirements. (c) Petitioner states that he will file an application for a construction permit if the proposed assignment is granted.

2. *Community Data:* (a) *Location:* Windsor, seat of Bertie County, is located approximately 169 kilometers (105 miles) east of Durham, North Carolina. (b) *Population:* Windsor—2,199; Bertie County—20,528.[2] (c) *Local Broadcast Service:* Windsor has a daytime-only station (WBTE), licensed to petitioner.

3. *Economic Data:* Petitioner states that Windsor, located in the heart of a prime agricultural area, serves as the shopping center for businessmen and farmers. It also contains several industrial concerns. Petitioner states that the assignment of a first FM channel would service the community by presenting the broadcast of high school athletic contests, election results and various school and civic activities.

4. In light of the above information and the fact that this request would provide the community with its first full-time aural service, we believe consideration of the proposal to assign Channel 249A to Windsor, North Carolina, in a rule making proceeding is warranted.

5. Comments are invited on the proposal to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, for the community listed below:

City	Channel No.	
	Present	Proposed
Windsor, N.C.		249A

6. The Commission's authority to institute rule making proceedings; showings required; cut-off procedures; and filing requirements are contained below and are incorporated herein.

7. Interested parties may file comments on or before May 23, 1977, and reply comments on or before June 13, 1977.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be acompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc.77-11569 Filed 4-20-77;8:45 am]

[1] Public Notice of the filing of the petition was given on January 18, 1977 (Report No. 1026).

[2] Both population figures are taken from the 1970 U.S. Census.

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 17]

CROCODYLIA

Treatment of 8 Species as Endangered

Correction

In FR Doc. 77-10040, appearing at page 18287 in the issue for Wednesday, April 6, 1977:

1. At the end of reprinted § 17.21(f)(2) on page 18291, first column, a line should be inserted reading, "meaning of this subsection".

2. The twelfth and thirteenth lines of the second column of reprinted §17.52 on page 18291, should be transposed.

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

GRAIN STANDARDS

California Grain Inspection Points

Notice is hereby given pursuant to section 26.99 of the regulations (7 CFR 26.99) under the U.S. Grain Standards Act (7 U.S.C. 71 et seq.) that on February 16, 1977, there was published in the FEDERAL REGISTER (42 FR 9404) a notice announcing a request by the Los Angeles Grain Exchange, El Monte, California, that its assignment of inspection points be amended to revoke Rialto and Whittier, California, as designated inspection points and to add Montebello, California, as a designated inspection point.

No comments were received with respect to the February 16, 1977, notice in the FEDERAL REGISTER. After due consideration of market needs and circumstances and other material available to the Department, the assignment of the Los Angeles Grain Exchange, El Monte, California, is amended to revoke Rialto and Whittier, California, as designated inspection points without prejudice to the Los Angeles Grain Exchange and to add Montebello, California, as a designated inspection point.

Effective date: This notice shall become effective April 21, 1977.

Done in Washington, D.C. on April 18, 1977.

WILLIAM T. MANLEY,
Interim Administrator.

[FR Doc.77-11597 Filed 4-20-77;8:45 am]

GRAIN STANDARDS

Louisiana and Texas Grain Inspection Points

Statement of considerations. Pursuant to sections 7(e)(1) and 7A(c)(1) of the U.S. Grain Standards Act of 1976 (7 U.S.C. 71 et seq.), hereinafter the "Act", the Federal Grain Inspection Service is required to provide official inspection and weighing services for all grains required or authorized to be inspected and weighed by the Act, at those export port locations where a state is not delegated to perform these official services (7 U.S.C. 79(e)(1) and 7 U.S.C. 79a(c)(1)).

The Federal Grain Inspection Service will assume performance of official inspection and weighing services at such export port locations within 18 months of the November 20, 1976, effective date of the amended Act. Provided that, subject to meeting certain requirements of the Act, existing official agencies may continue to function during such transition period.

Gulf Coast Inspection and Weighing, Inc., Beaumont, Texas, the designated official agency at Conti-Carribean Elevator, Lake Charles, Louisiana, Beaumont Elevator, Beaumont, Texas, and Cargill Elevator, Port Arthur, Texas, ceased providing official inspection services effective January 30, 1977, at the Conti-Carribean Elevator, and effective February 26, 1977, at the Beaumont Elevator and the Cargill Elevator in accordance with prior notice to the Federal Grain Inspection Service.

Notice is hereby given that, effective January 30, 1977, at the Conti-Carribean Elevator, and effective February 27, 1977, at the Beaumont Elevator, and the Cargill Elevator, the designation of Gulf Coast Inspection and Weighing, Inc., Beaumont, Texas, as an official agency, has been canceled pursuant to the provisions of section 7(g)(2) of the Act (7 U.S.C. 79(g)(2)).

The Federal Grain Inspection Service, effective January 30, 1977, commenced providing official grain inspection and weighing at the Conti-Carribean Elevator, Lake Charles, Louisiana, and effective February 27, 1977, commenced providing official grain inspection and weighing services at the Beaumont Elevator, Beaumont, Texas, and the Cargill Elevator, Port Arthur, Texas in accordance with sections 7(e)(1) and 7A(c)(1) of the Act (7 U.S.C. 79(e)(1) and 7 U.S.C. 79a(c)(1)).

(Sec. 7, Pub. L. 94-582) 90 Stat. 2870 (7 U.S.C. 79); Sec. 7A, (Pub. L. 94-582) 90 Stat 2875 (7 U.S.C. 79A).)

Effective date: This notice shall become effective April 21, 1977.

Done in Washington, D.C. on April 18, 1977.

WILLIAM T. MANLEY,
Interim Administrator.

[FR Doc.77-11596 Filed 4-20-77;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket Nos. 26368, etc.]

EASTERN AIR LINES

Enforcement Proceeding; Hearing Postponed

In the matter of Eastern Air Lines, Inc. Enforcement proceeding Dockets 26368, 26369, 27415, 28292, 28294, 28597, 28830, 29213, 29216, 29228, 29229, 29247, 29856, 29998.

[1] 42 FR 18112, April 5, 1977.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled proceeding, which was assigned to be held on April 25, 1977, at 9:30 a.m. (local time) in Room 1003, Hearing Room C, Universal North Building, 1875 Connecticut Avenue, Washington, D.C. 20428,[1] will be held on April 26, 1977. The time and hearing room will remain the same.

Dated at Washington, D.C., April 15, 1977.

BURTON S. KOLKO,
Administrative Law Judge.

[FR Doc.77-11581 Filed 4-20-77;8:45 am]

[Doc. 30452; Order 77-4-72]

UNIVERSAL AIR TRAVEL PLAN

Order Authorizing Discussions

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 15th day of April, 1977.

The Universal Air Travel Plan (UATP) has filed an application requesting that the Board authorize, for a period of 45 days, the airline parties to UATP Agreement-1948 to hold meetings for the purpose of discussing and if possible, reaching common agreement on the provisions of two paragraphs in a proposed new UATP Agreement.

In support of the application, it is explained that a party to the present UATP Agreement recently proposed a new UATP agreement which has been circulated to all UATP parties and has been signed by over half of them.[1] However, approximately 90 parties have not signed the new agreement. It is further explained that some of the parties of UATP Agreement-1948 have reservations with regard to the voting formula contained in paragraph 3(d) and/or the requirement to discount interline billings contained in paragraph 8(b) of UATP Agree-

[1] The present Universal Air Travel Plan agreement, described herein as UATP Agreement-1948, is an industrywide plan for the purchase on a credit basis, of passenger air transportation and related services, utilizing a system of credit cards.

The new UATP Agreement, described herein as UATP Agreement-1976, has been submitted to the Board for approval prior to becoming effective. UATP Agreement-1976, while containing most of the same provisions of the presently approved agreement, differs in several major respects, and therefore has been submitted to the Board as a new agreement rather than an amendment to UATP Agreement-1948.

ment–1976.[2] Authorization is therefore requested to provide a forum for discussion of these two provisions with the hope of reaching a common agreement. The applicant points out that a single UATP Agreement is preferable to several agreements which would substantially diminish the universality of the plan.

An answer in support of the application was filed by American Airlines, Inc., and an answer in opposition was filed by the American Express Company (Amexco). Amexco believes that the parties should not be granted discussion authorization absent a showing that any ultimate agreement reached will be in the public interest. Amexco contends that the proposed discussions are in essence an attempt to coerce the uncommitted parties back into a single credit plan rather than allow for two or more competing plans, which it views as the better result. The applicant submitted a reply to the Amexco answer in which it states that the arguments by Amexco relate to Board disposition of the proposed agreement and any amendments that the parties may reach but not to the subject herein, namely, the desirability of discussions concerning the agreement.[3] The applicant asks that the discussions be permitted in order to determine whether the concerns of the nonsignatories, who wish to become signatories, can be accommodated within the terms of UATP Agreement–1976.

Upon consideration of the application, we have decided to grant authorization for the discussions, subject however to several conditions. Without intending to take any position at this time on the merits of the provisions in the proposed agreement which are to be discussed or of any amendments thereto, we point out that the Board has held it to be highly desirable to have uniformity for the plan throughout the industry.[4] We do not take any position at this time on the merits of the provisions in the proposed agreement which are to be discussed or of any amendments thereto. We note, however, that in approving the present plan in 1951 the Board stated that a degree of uniformity for the plan throughout the industry was highly desirable.

Customary discussion safeguards will be prescribed. Notably, we will require that the discussions be open to all interested persons. Although the applicant objects to noncarrier participation in the discussions, citing a lack of any legitimate interest on the part of Amexco or other credit card companies in matters involving the carriers' administration of UATP, it makes no compelling argument for discussion secrecy. We see a strong competitive interest in the carrier discussions and resulting agreements on the part of Amexco and recognize the potential effect that the concerted carrier action may have upon it and others. We believe that the public interest would be better served by the full participation of interested and knowledgeable observers in the instant discussions.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, and particularly sections 204(a), 412, and 414 thereof,

It is ordered, That:

1. The airline parties of UATP Agreement–1948 are authorized to meet and discuss terms of a possible compromise solution to their differences over the provisions of paragraphs 3(d) and 8(b) of UATP Agreement–1976, subject to the following conditions:

(a) The authorization shall expire after 45 days from the date of service of this order;

(b) Representatives of the Board shall be permitted to attend the discussions as observers and all other interested persons shall be permitted to attend the discussions as observers and to express their views within such guidelines as the discussants establish;

(c) The discussionss hall take place in Washington, D.C.;

(d) Notices and agenda of the discussion meetings shall be served upon the Board, Amexco, and all other persons who so request at least five business days before each meeting; requests shall be directed to Charles B. Fischer, Secretary—Universal Air Travel Plan, 1709 New York Avenue NW., Washington, D.C. 20006;

(e) Complete and detailed minutes shall be kept of all meetings and shall be filed with the Board, and sent to other persons who so request, within five business days after each meeting; and

(f) All agreements resulting from the discussions shall be filed with the Board for approval prior to becoming effective;

2. The request by the applicant and the motion by Amexco asking that the Board defer action on the application herein for prior Board approval of UATP Agreement–1976 until after the discussions authorized herein are completed be and they hereby are granted;

3. The due date for filing answers to the application for prior Board approval of UATP Agreement–1976, which has been established by a notice herein to all parties dated February 24, 1977, be and it hereby is postponed to a date 21 days after completion of the discussions if no new agreements result therefrom or 21 days after the filing of any agreements that do result therefrom; and

4. To the extent not granted herein all outstanding requests be and they hereby are dismissed.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-11582 Filed 4-20-77;8:45 am]

[2] Paragraphs 3(d) and 8(b) of the Agreement-1976 provide, respectively: "3(d). The text of any change in this Agreement recommended by the Committee shall be promptly mailed to all parties by the Secretary and shall be deemed agreed to by all parties unless the Secretary receives, within forty-five days after the date on which he mailed such recommendation to all Parties, notice from no less than 10 percent of the parties to the Agreement representing at least 10 percent of the subscribers of objection to the recommended change. Promptly upon expiration of such forty-five day period, the Secretary shall notify all parties that the recommended change has been agreed to, or objected to, as the case may be, and, if agreed to, of the effective date of the change, which effective date shall be fifteen days after mailing of such notice, unless otherwise specified by the Committee as part of its recommendation for change.

"8(b). Parties honoring tickets under the Plan agree to discount their billings in the interline settlement of such tickets by 1 percent."

[3] A sufficient showing having been made by the applicant, we will grant its motion for leave to file its reply.

[4] In approving provisions of the present plan, the Board, after commenting that the plan appeared to be a great convenience to the traveling public and a means of increasing air travel, added that "[i]s adoption by both domestic and international carriers insures a degree of uniformity that is highly desirable." Universal Air Travel Plan, 12 CAB 601, 602 (1951).

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

[File No. 28(74)-5]

DANNY LEE

Order Denying Export Privileges

In the matter of Danny Lee, a.k.a. Rick Gee, a.k.a. Li Tan Mou, 3960 Stein Court, South San Francisco, California, Respondent.

A charging letter dated November 9, 1976, was duly issued by the Director, Office of Export Administration. It alleged that Danny Lee, a.k.a. Rick Gee and Li Tan Mou, violated the Export Administration Act, 50 U.S.C. App. 2401 et seq., and the Regulations, 15 CFR 369 et seq., by (1) exporting approximately $13,000 worth of electronic tubes in separate parcel post shipments without first obtaining the requisite validated export licenses which respondent knew or had reason to know was required (15 CFR 372.1); and (2) by failing to honor a duly issued subpoena for the production of records relating to export transactions, (15 CFR 387.11).

For the purposes of this proceeding, respondent admitted the truth of the charges. He pleaded ignorance of the law and, reciting certain mitigating circumstances, petitioned for leniency; he offered a consent proposal for the issuance of a consent order, 15 CFR 388.10.

The Hearing Commissioner reports that respondent is a furniture salesman for a domestic retail sales outlet but that, on rare occasion he may act as a purchasing agent for foreign parties. After summarizing the evidence and making findings of fact, the Commissioner recommends that sanctions be imposed in this case in accord with the consent proposal.

After considering the record the Hearing Commissioner's report and recommendations, I find that: (1) Danny Lee exported from the United States to

Hong Kong certain controlled electron tubes without applying for and obtaining the validated export licenses required by the regulations and that respondent knew or had reason to know that validated export licenses were required; and (2) respondent was duly served with a subpoena for the production of records of certain export transactions but failed to produce such records at the required time or at any time since.

I conclude that respondent, Danny Lee, as alleged in the charging letter of November 9, 1976, violated the Export Administration Act and Export Administration Regulations. I have considered the record and am of the opinion that the Hearing Commissioner's recommendation to accept the consent proposal is fair, just and calculated to achieve effective enforcement of the law. Therefore, pursuant to the authority vested by 15 CFR 388.1, it is

ORDERED

I. A $1,000 civil penalty is imposed upon respondent; receipt of one-half thereof is acknowledged. Payment of one-half ($500) will remain suspended subject to full and faithful observance of the further terms and conditions outlined below and automatically remitted on May 31, 1979, if there is full compliance.

II. All outstanding validated export licenses concerned with or affecting any transaction in which the respondent has any interest, direct or indirect, is hereby revoked.

III. Except as otherwise specifically excepted herein or as otherwise expressly authorized, respondent is hereby denied all privileges or participation directly or indirectly, for a period ending May 31, 1979, in any manner or capacity, in any transaction involving export of U.S. commodities.

IV. The denial of export privileges shall extend to the respondent, its agents, employees and to any successor and to any person, firm, corporation, partnership or other business organization with which respondent now or hereafter may be related by ownership, control, position of responsibility, affiliation or other connection in the conduct of trade or related services.

V. During the time when respondent is denied export privileges, no person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of East-West Trade, shall do any of the above-mentioned acts, directly or indirectly, or carry on negotiations with respect thereto in any manner or capacity, on behalf, or in any association with respondent or whereby respondent may obtain any benefit therefrom, or have any interest or participation therein directly or indirectly.

Dated: April 15, 1977.

RAUER H. MEYER,
Director, Office of Export Administration.

[FR Doc.77-11595 Filed 4-20-77;8:45 am]

NATIONAL INSTITUTES OF HEALTH, ET AL.

Notice of Application for Duty-Free Entry of Scientific Articles; Correction

In the Notice of Application for Duty-Free Entry of Scientific Articles appearing at page 10705 in the FEDERAL REGISTER of Wednesday, February 23, 1977, reference to Model 1400 and accessories should be deleted from Docket Number 77-00106.

Notice should read:

Docket number: 77-00106. Applicant: University of Michigan, 500 E. University, Ann Arbor, Michigan 48109. Article: Helium Liquefier/Refrigerator. Manufacturer: Canada Superconductor and Cryogenics Company, Canada. * * *

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.77-11567 Filed 4-20-77;8:45 am]

[Docket No. FC-73]

INTERNATIONAL ENGINEERING CO.

Order Regarding Appeal; Civil Penalty

In the matter of International Engineering Company, 220 Montgomery Street, San Francisco, California 94104, Appellant, Docket No. FC-73. Appearance for Appellant: Arthur J. Schlanger, Esq., Morrison-Knudson Company, Inc., Post Office Box 7808, Boise, Idaho 83729, Appearance for Government: Wilbert L. Whitsett, Esq., Attorney for the Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230.

BACKGROUND

This is an appeal from an order of the Director, Office of Export Administration, which imposed a civil penalty of $1,000 upon the appellant under section 6(c) of the Export Administration Act of 1969 for the late filing of a report, in violation of § 369.2 of the Export Administration Regulations, which report revealed that the appellant had received a boycott-related request.

FINDINGS OF FACT

Under cover of a letter dated May 21, 1975, the Minister of Agriculture and Water of the Kingdom of Saudi Arabia transmitted to the Respondent, and to other prospective contractors, a request to bid on Agricultural Development Studies in the Kingdom of Saudi Arabia. The solicitation included a requirement that bids be submitted by August 30, 1975. Article XV of the documents enclosed with that letter titled "Restrictions on Dealing with Israel" provided: "The consultant shall not in any way perform functions that will be contrary to the regulations of the Boycott Bureau." The appellant acknowledges having received the invitation to bid package sometime in June 1975, though in its initial report to the Department of Commerce it erroneously indicated receipt on May 21, 1975, the date the bid request was transmitted from Saudi Arabia. Since the invitation was for a very substantial project having a dollar value of approximately $50,000,000 and involved investigations, studies and detailed designs for flood control and irrigation development, the solicitation was subjected to extensive internal review. Some time was consumed in the evaluation and in making the determination of whether the Respondent would submit a bid. The record reflects that on or about August 25, 1975, a decision was made to submit a bid on the project. Concurrently, a form DIB-621, the Exporter's Report, was executed by the Manager, Contract Administration, and transmitted to the Department of Commerce.

By letter dated October 29, 1975, the Director, Compliance Division, Office of Export Administration, U.S. Department of Commerce, charged Respondent with violating the Export Administration Act of 1969, 50 U.S.C. 2401-213, 15 CFR Part 368 et seq., for failure to file a single transaction statement with respect to the request, relating to a restrictive trade practice or boycott, within 15 days from the date of receipt thereof as required by then § 369.2. The letter further proposed a settlement by consent with the Respondent paying a civil penalty in the amount of $1,000.

In its Answer, Respondent denied a violation of the above cited regulation, acknowledging, however, that "The request for action, or signing of an agreement, that has the effect of furthering or supporting a restrictive trade practice or boycott was contained in the Terms of Reference to an Invitation to Bid from the Kingdom of Saudi Arabia dated May 21, 1975". The Answer also acknowledged that considerable technical effort, including the development of costs and detailed review of the proposal, was expended before notice was taken of the restrictive provision. The decision to bid was not made until after the comprehensive review was completed on August 25, 1975, at which time the required Department of Commerce report was promptly filed. Respondent denied knowledge of the Government's assertion that the reporting requirement had previously been called to Respondent's attention. It was further asserted that the requirement to report where an Invitation for Bid is received, "* * * does not arise until a decision to respond is made". Based upon that interpretation, Respondent denied any knowing failure to report in a timely manner, asserted that the report in fact was not required until October 15, 1975, and concluded, therefore, that it was timely filed.

Following receipt of the Answer, briefs were submitted at the request of the Hearing Commissioner on the issue of scienter as an integral ingredient of the alleged violation, and on the Respondent's assertion that the reporting requirement did not arise until the decision was made to respond to the invitation for bid. In that submission, Respondent argued that a request for proposal is nothing

more than a notice that offers will be received and does not itself constitute a request for furnishing information or the signing of agreements, which will further or support a boycott. It was contended that it is only when a decision to respond is made that the 15-day period starts to run. Respondent urged that to maintain otherwise would make violators of all recipients of proposals who throw away requests received from Arab countries without opening them or giving them consideration. The purpose of the reporting requirements was also cited as favoring such interpretation on the grounds that these requirements exist to oppose restrictive practices or boycotts and that it is only when such restrictive practices or boycotts could become a reality that the statutory requirement could come into existence. On the basis of this interpretation, Respondent argued that it did not "knowingly" fail to comply with the regulations and it should not therefore be held in violation.

Government Counsel responded that section 4(b)(1) of the Act provides that the rules and regulations implementing section 3(5) thereof requires that reports must be made by all domestic concerns receiving requests or signing agreements. Counsel cited § 369.2 of the Export Administration regulations as requiring submission of a report within 15 days from the date of receipt of the requests, and argued that, even if the invitation for bid in question was received as late as June 30, 1975, a report was required to be filed not later than July 22, 1975. In any event, Counsel contends that the report submitted on August 25, 1975 was late.

At the request of the Respondent, a hearing was held before the Hearing Commissioner. At that hearing, argument was made and additional documents submitted. At the outset, the parties agreed that the issue for determination was whether or not an invitation for bid, without more, constitutes the type of request required to be reported under the Export Administration Act of 1969 and the rules and regulations adopted by the Department of Commerce pursuant to that Act. Counsel for the appellant again argued that an invitation to bid does not have the effect of furthering or supporting restrictive trade practices or boycotts within the meaning of the Act. He argued that, without a request, which has the effect of furthering or supporting the restrictive trade practices or boycotts, there can be no requirement to report for there is no "transaction" until two parties become involved. The appellant's position was succinctly stated in counsel's comment that receipt of an invitation to submit an offer of proposal is outside the transaction leading to the formation of a contract, at least until the decision is made to submit a proposal. Government Counsel argued that the mere receipt of the request does precipitate the reporting requirement under the regulations implementing the Export Administration Act.

STATUTE AND REGULATIONS

EXPORTS ADMINISTRATION ACT OF 1969 AS AMENDED

SEC. 3. The Congress makes the following declarations:

* * * * *

(5) It is the policy of the United States (A) to oppose restrictive trade practices or boycotts fostered or imposed by foreign countries against other countries friendly to the United States, (B) to encourage and request domestic concerns engaged in the export to articles, materials, supplies, or information, to refuse to take any action, including the furnishing of information or the signing of agreements, which has the effect of furthering or supporting the restrictive trade practices or boycotts fostered or imposed by any foreign country against another country friendly to the United States, and (C) to foster international cooperation and the development of international rules and institutions to assure reasonable access to world supplies.

SEC. 4.(b)(1)

* * * The rules and regulations shall implement the provisions of section 3(5) of this Act and shall require that all domestic concerns receiving requests for the furnishing of information or the signing of agreements as specified in that section must report this fact to the Secretary of Commerce for such action as he may deem appropriate to carry out the purposes of that section * * *

EXPORT ADMINISTRATION REGULATIONS

§ 369.1 GENERAL POLICY

It is the policy of the United States to oppose restrictive trade practices or boycotts fostered or imposed by foreign countries against any country not included in Country Group S, W, Y, or Z.[1] All exporters engaged in the export from the United States of articles, materials, supplies, or information, including technical data (whether directly or through distributors, dealers, or agents), are encouraged and requested to refuse to take (but are not legally prohibited from taking) any action, including the furnishing of information or the signing of agreements, that has the effect of furthering or supporting such restrictive trade practices or boycotts.

§ 369.2 REPORTING REQUIREMENT

(a) *Scope.* In order to implement the policy set forth in § 369.1 above, a reporting requirement is established. The provisions of this § 369.2 apply to any U.S. exporter who receives a request for an action, including the furnishing of information or the signing of agreements, that has the effect of furthering or supporting a restrictive trade practice or boycott fostered by any foreign country against any country not included in Country Group S, W, Y, or Z. (See § 369.3 for examples of restrictive trade practices or boycotts.) Where such request is received by any other person handling any phase of the transaction for the exporter, that person (forwarding agent, etc.) is responsible for informing the exporter of the request so that the latter may report it.

(b) *Report from U.S. Exporter.* Any U.S. exporter who receives a request, or is informed of a request, relating to a restrictive trade practice or boycott, as described in paragraph (a) above, shall report the request to the Office of Export Administration * * *

(1) *Single transaction report.* If the report covers only a single transaction it shall be submitted to the Office of Export Administration within fifteen business days from the date the exporter receives the request. This report shall be made on U.S. Exporter's Report of Request Received for Information, Certification, or Other Action Indicating a Restrictive Trade Practice or Boycott Against a Foreign Country, Form DIB-621 or IA-1014 * * *

(2) *Multiple transaction report.* Instead of submitting a report for each transaction regarding which a request is received, the exporter may submit a report covering all transactions regarding which requests are received from persons or firms in a single country during a single calendar quarter. This report shall be made by letter to the Office of Export Administration no later than the fifteenth day of the first month following the calendar quarter covered by the report. If the exporter has received requests from persons or firms of more than one foreign country, a separate report shall be submitted for each country * * *

DECISION

"The key issue * * *, is whether or not the law and the rules and regulations promulgated by the Department of Commerce, pursuant to the law, adequately put the business community on notice that invitations gratuitously received; that is, simply mailed to a business, received in the mail without the business asking for the invitations, must be reported within 15 days of receipt." (R.-2)

The above statement made at the outset of the hearing before this Board, by appellant's counsel, succinctly states the issue for consideration. The Respondent does not deny knowledge of the law or regulations quoted above (R6&7) and indeed, from the very filing which was made in this case, there is inferred a recognition of the obligation.

The problem with the appellant's position is that the Board cannot find in the law or regulations any suggestion or inference that the obligation to file a report is to be triggered by some internal decision as to whether the recipient intends to respond to a communication which contains a "boycott" request. The language of the Act and of the regulations, speaks of the receipt of a request as the triggering mechanism requiring the filing of the report. The invitation to bid package containing the restrictive requirement clearly constituted a request of appellant to take action which would have the effect of furthering or supporting the boycott against Israel, particularly since the bid itself was to become the agreement binding the parties. The plain meaning of the statute and regulations is to require submission of a report to the Secretary upon the receipt of such a request.

The articulate presentation of counsel may not be substituted for the plain meaning of the words in the statute and regulations. The mere assertion that the law and regulations are vague and unenforceable belies experience and is not convincing. Nor does the fact that the

[1] S=Southern Rhodesia; W=Poland; Y=U.S.S.R.—Specified countries in Eastern Europe and China (P.R.C.); Z=North Korea, Vietnam and Cuba.

regulations were changed subsequent to this incident suggest that the application of the required language to the facts in this case was uncertain. Changes made to regulations in later issuances do not excuse failure to comply with and earlier version unless it appears that some deficiency in the earlier language may have contributed to the error. In this case, the Respondent knew of the regulations and did file the required report. The suggestion that the filing should take place following internal decision or action of the recipient is simply not capable of being read into the law or regulations. On the other hand, the construction that the receipt of the request triggers the reporting requirement is the only reading consistent with the law. The action of the respondent in substituting its own interpretation for the plain meaning of the words in the regulation is not an excuse.

The argument that the regulations imposing the reporting requirements are overbroad and onerous is also found to be without merit. The legislative history of the statute in question, in particular, Senate Report Number 363 (United States Code Congressional and Administrative News, 89th Congress, First Session at page 1832), in commenting on the boycott provision which was then being incorporated into the Act, states: "The new provision requires the President to issue regulations regarding this matter. At the same time it leaves the President necessary discretion as to the type and terms and scope of these regulations." House Report Number 434 of the 89th Congress, First Session is to the same effect, where it states: "The amendment does not tie the hands of the administration by making any particular course of action mandatory." The regulation which the respondent is charged with having violated is consistent with the purpose and verbiage of the statute. As was noted at the Board hearing, another portion of the Export Administration Act of 1969 as amended, Section 10, requires that the Secretary submit periodic reports to the Congress respecting the administration of the Act. Gathering statistical information on the number of requests received by American businessmen was certainly appropriate to meet the requirements of that and the earlier cited provision of the statute. What better time to initiate the fact gathering, and at the same time remind the businessmen of the Congressional Policy, than at the time of receipt of the request and prior to the commitment of resources or execution of formal agreements. The form which respondent submitted, gives such detailed notice, and concurrently obtains from businessmen relevant information to satisfy administrative fact gathering needs. The language of that form, which identified "bid specifications" as one type of request, and which the appellant checked as applicable, reflects understanding by the appellant that the request for proposal received, fit within the definition of the regulation. Reporting after the internal decision to bid was made would reflect the action which the bidder intends to take; however, that is not the information sought. The principal purpose of the reporting requirement was to accumulate data on the number of requests being made, the types of requests being made, and the parties to whom these requests were being made. This information can be furnished upon receipt of the request.

Respecting the timeliness of the report, Respondent asserts that, if its submission is regarded as a multiple transaction report, it was timely filed. However, as Government Counsel has pointed out, even a report submitted on a quarterly basis would have been due by mid-July. In any event, the report submitted was on the form prescribed for a single transaction statement and not made in the style, format or otherwise identified as being in the nature of a quarterly multiple transaction report.

Based on the foregoing, the Board sustains the findings of the Director, Office of Export Administration, of a violation of the regulation charged. The Board also concludes that such finding is supported by substantial evidence and that there was no prejudicial error of law in making such findings.

In its last assignment of error, alleging arbitrariness, capriciousness and abuse of discretion, the appelant takes exception to (1) the comments in the Hearing Commissioner's report to the effect that it was appellant's contention that its clerical help had "pigeonholed" the invitation for four months and (2) the conclusion that late filing was "with full knowledge and with intent not to comply with the regulations so as to prevent any leak". The Board finds from the record that the delay in filing was less than two months. This is based upon the evidence that the invitation was received in June, and the report was filed in August, subtracting the fifteen days allowed for filing. The conclusion that the late filing was intentional, "so as to prevent any leak", is similarly without support in the record. No argument was made or evidence introduced relating to such conclusion. Part C of the report form states that law and policy in effect at the time: "CONFIDENTIAL. Information furnished herewith is deemed confidential and will not be published or disclosed except as specified in section 7(c) of the Export Administration Act of 1969 (50 U.S.C. App. 2406(c)."

This is not a case which involves the deliberate flouting of regulatory requirements. The respondent's knowledge of the regulations placed it in a position where it should have known and is chargeable with knowledge of the requirement to report within 15 days of receipt of a boycott request. Respondent's failure to do so was an omission properly charged under the regulations, but it cannot be characterized as deliberate. The comments and characterizations of the Hearing Commissioner do not go to the merits of the violation charged, but rather to the sanctions imposed. Following review of the actions taken in some 35 boycott-related cases, and giving full consideration to the circumstances surrounding the violation charged here, it is the Board's conclusion that a civil penalty not exceeding $250 was appropriate under the circumstances. The Order of April 13, 1976 is modified to substitute $250 for the sum of $1,000. Payment thereof is suspended for a period of one year from the date of that order with provision for automatic remission at such time on condition that the Respondent engage in no further violations of the Export Administration Act.

Dated: March 30, 1977.

HUGH J. DOLAN,
Chairman, Appeals Board.

[FR Doc.77-11510 Filed 4-20-77;8:45 am]

National Oceanic and Atmospheric Administration

PACIFIC FISHERY MANAGEMENT COUNCIL AND SCIENTIFIC AND STATISTICAL COMMITTEE

Public Meeting

Notice is hereby given of a meeting of (1) the Pacific Fishery Management Council, established under section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), and (2) the Council's Scientific and Statistical Committee, established under section 302(g) of the Act.

The Pacific Fishery Management Council has authority over fisheries within the fishery conservation zone adjacent to the States of California, Oregon, and Washington. The Council will, among other things, prepare and submit to the Secretary of Commerce fishery management plans with respect to fisheries within its area of authority, prepare comments on applications for foreign fishing and conduct public hearings. The Scientific and Statistical Committee assists the Council in the development, collection and evaluation of such statistical biological, economic, social and other scientific information as is relevant to the Council's development and amendment of fishery management plans. The meeting of the Council will be held Thursday and Friday, May 12 and 13, 1977, at the Airport Marina Hotel, 8601 Lincoln Boulevard, Los Angeles, California 90045. The meeting of the Council will convene at 1:00 p.m. and adjourn at 5:00 p.m. on May 12, 1977, and convene at 8:00 a.m. and adjourn at 5:00 p.m. on May 13, 1977. The meeting may be extended or shortened depending upon progress on the agenda.

Proposed Agenda:

1. Organization of Council, including staff and fishery advisory panels, and operational and procedural matters.
2. Budget matters.
3. Consideration of development of fishery management plans, including an anchovy management plan.
4. Reports from advisory panels and the Scientific and Statistical Committee.
5. Review of communications from other agencies and organizations.
6. Other business.

This meeting will be open to the public and there will be seating for approximately 75 public members available on a first-come, first-served basis.

The meeting of the Scientific and Statistical Committee will be held Thursday, May 12, 1977, at the aforementioned facility. This session will convene at 1:00 p.m. and adjourn at 5:00 p.m. The meeting may be extended or shortened depending upon progress of the agenda. Proposed Agenda:

1. Consideration of development of fishery management plans, including a plan for the anchovy fishery and related fisheries.
2. Consideration of membership of research teams.
3. Consideration of a fishery development program for underutilized species of fishes.
4. Consideration and review of Committee budget.
5. Other business.

This meeting will be open to the public and there will be seating for approximately 25 public members on a first-come, first-served basis.

Members of the public having an interest in specific items for discussion are also advised that agenda changes are, at times, made prior to the meetings. To receive information on changes, if any, made to the agendas, interested members of the public should contact on or before May 6, 1977:

Dr. Harvey M. Hutchings, Northwest Region, National Marine Fisheries Service, 1700 Westlake Avenue North, Seattle, Washington 98109, 206-442-4817; or
Mr. Svein Fougner, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731, 213-548-2575.

At the discretion of the Council and Committee, interested members of the public may be permitted to speak at times which will allow the orderly conduct of Council and Committee business. Interested members of the public who wish to submit written comments should do so by addressing Dr. Hutchings or Mr. Fougner at the appropriate address above. To receive due consideration and facilitate inclusion of these comments in the record of the meetings, typewritten statements should be received within 10 days after the close of the meetings.

Dated: April 19, 1977.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.

[FR Doc.77-11725 Filed 4-20-77;8:45 am]

LICENSING PROCEDURES SUBCOMMITTEE OF THE COMPUTER SYSTEMS TECHNICAL ADVISORY COMMITTEE

Open Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I. (Supp. V, 1975) notice is hereby given that a series of meetings of the Licensing Procedures Subcommittee of the Computer Systems Technical Advisory Committee will be held on:

May 10, 1977, at 1:30 p.m., in Room 1851
June 1, 1977, at 9:30 a.m., in Room 3710
June 2, 1977, at 9:30 a.m., in Room 5611
June 7, 1977, at 1:30 p.m., in Room 5611

Main Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C.

The Computer Systems Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974 and January 13, 1977, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to section 5 (c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act. The Licensing Procedures Subcommittee of the Computer Systems Technical Advisory Committee was initially established on February 4, 1974. On July 8, 1975, the Director, Office of Export Administration, approved the reestablishment of this Subcommittee, pursuant to the charter of the Committee.

The Committee advises the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, worldwide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to computer systems, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls. The Licensing Procedures Subcommittee was formed to review the procedural aspects of export license applications within the Office of Export Administration and recommend areas where improvements can be made.

The agenda for the meeting is:

(1) Opening remarks by the Subcommittee Chairman.
(2) Presentation of papers or comments by the public.
(3) Review of Export Administration Regulations to recommend changes with the objective to clarify and simplify them, including the Commodity Control List.

The meeting will be open for public observation and a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Subcommittee. Written statements may be submitted at any time before or after the meeting.

Copies of the minutes of the meeting will be available upon written request addressed to the Freedom of Information Officer, Room 3012, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202-377-4196.

Dated: April 18, 1977.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of East-West Trade, United States Department of Commerce.

[FR Doc.77-11538 Filed 4-20-77;8:45 am]

Office of the Secretary

ADVISORY PANELS FOR THE CARIBBEAN AND PACIFIC FISHERY MANAGEMENT COUNCILS

Establishment

In accordance with the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I (Supp. V, 1975)), and Office of Management and Budget Circular A-63 of March, 1974, and after consultation with OMB, the Secretary of Commerce has determined that the establishment of the following advisory committees is in the public interest in connection with the performance of duties imposed on the Department by the Fishery Conservation and Management Act of 1976, Pub. L. 94-265 (16 U.S.C. 1852):

Advisory Panel for the Caribbean Fishery Management Council.
Groundfish Advisory Panel for the Pacific Fishery Management Council.
Sablefish Advisory Panel for the Pacific Fishery Management Council.

The Panels will provide the Councils with pragmatic advice and counsel of the people most affected by the Council's management activities on matters of fishery management policy, on the preparation of fishery management plans, on their review prior to submission to the Secretary, and on their effectiveness in operation.

The Panels will consist of a minimum of five (5) and not more than twenty-five (25) members, who are either actually engaged in the harvest, processing or consumption of, or who are knowledgeable and interested in the conservation and management of fishery resources. Members of the Panels will be appointed by the respective Fishery Management Council.

The Panels will function solely as advisory bodies, and in compliance with the provisions of the Federal Advisory Committee Act. Copies of each Panel's Charter will be filed under the Act with the appropriate Congressional committees. Inquiries regarding this notice may be addressed to the Committee Liaison Officer, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Rockville, Maryland 20852.

Dated: April 13, 1977.

GUY W. CHAMBERLIN, Jr.,
Acting Assistant Secretary for Administration.

[FR Doc.77-11586 Filed 4-20-77;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Army

ARMY SCIENTIFIC ADVISORY PANEL

Notice of Partially Closed Meeting

In accordance with section 10 of the Federal Advisory Committee Act (Pub. L. 92-463), the following meeting is announced:

Name of Committee: Army Scientific Advisory Panel.
Date: 9-10 May 1977.
Place: The Armor Center, Fort Knox, KY 40121.

Monday, 9 May 1977

Agenda:

0815–0840 hr.

Open session. Chairman's welcome, Commander's welcome and Command Briefing.

0840–1130 hr.

Closed session. Presentation and discussions on "The Modern Soldier in the Armor Environment".

1300–1800 hr.

Open session. Observe training.

Tuesday, 10 May 1977

0815–1130 hr.

Closed session. Presentations and discussion on Armor materiel.

1230–1510 hr.

Closed session.

BUSINESS MEETING

Ad Hoc Group Chairmen reports with Panel discussions on electronic warfare/intelligence, command and control, optical countermeasures, and technology.

The presentations and discussions scheduled for 0840–1130 hours, 9 May, and 0815–1130 hours, 10 May, will cover military threat and tactics, and combat development activities, respectively, which are classified in the interest of national defense. The 1230–1510 hours, 10 May, business meeting is for receiving and discussing reports containing classified material, inseparable portions of which are also classified in the interest of national defense. Therefore, under the provisions of exemptions contained in Section 552b(c)(1), Title 5 U.S.C., these portions are closed to the public.

The 0815–0840 and 1300–1800 hours, 9 May portion of the meeting will be open to the public. Any additional information concerning the meeting may be obtained from Dr. Marvin E. Lasser, Chief Scientist, Department of the Army, Executive Director, Army Scientific Advisory Panel, Washington, D.C. 20310 (202) 695–1447.

E. F. IMLER,
Lieutenant Colonel,
GS Executive Secretary.

[FR Doc.77-11570 Filed 4-20-77;8:45 am]

DELAWARE RIVER BASIN COMMISSION

COMPREHENSIVE PLAN, AMENDMENTS

Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Wednesday, April 27, 1977, commencing at 2 p.m. The hearing will be held in the Hall of Flags, Sheraton Hotel, 17th and Kennedy Blvd., Philadelphia, Pa. The subjects of the hearing will be as follows:

I. Applications for approval of the following projects as amendments to the Comprehensive Plan pursuant to Article 11 of the Compact and/or as project approvals pursuant to Section 3.8 of the Compact:

A. *Florence Township (D–77–14 CP).* A project to upgrade the existing sewage treatment facilities of Florence Township, Burlington County, N.J. The completed facilities will provide for 90 percent removal of BOD$_5$ from an average wastewater flow of one million gallons per day. Treated effluent will discharge to the Delaware River.

B. *Borough of Ambler (D–77–16 CP).* A well water supply project to augment public water supplies in Upper Dublin Township, Montgomery County, Pa. Designated as Well No. 14, the new facility is expected to yield about 576,000 gallons per day and will serve Ambler Borough, Upper Dublin, Lower Gwynedd, Whitemarsh and Whitpain Townships.

C. *Borough of Trumbauersville (D–77–5 CP).* A well water supply project to augment public water supplies in Trumbauersville, Bucks County, Pa. Designated as Well No. 3, the new facility is expected to yield 220,000 gallons per day.

D. *Borough of Newfield (D–77–28 CP).* A well water supply project to augment public water supplies in Newfield Borough Gloucester County, N.J. Designated as Well No. 5, the new facility is expected to yield 720,000 gallons per day which will be added to increased yields from existing wells 1 and 3. The new facility will replace an existing well which has been abandoned due to contamination by chromium.

E. *Keyston Lamp Manufacturing Corp. (D–77–27).* A project to modify the company's industrial wastewater treatment facility in Washington Township, Lehigh County, Pa. The upgraded treatment facility will remove chromium from approximately 500 gallons per day of chrome plating wastewater. Treated effluent will discharge to an unnamed tributary of the Lehigh River.

F. *Shieldalloy Corp. (D–73–68).* A groundwater decontamination project at the company's plant at Newfield Borough, Gloucester, N.J. The company will pump approximately 48,000 gallons per day from underlying groundwaters in order to remove Chromium contaminants. Water removed from the ground will be treated at the plant and the resulting effluent will be discharged to Hudson Branch of Maurice River.

G. *Lukens Steel Co. (D–76–66).* Upgrading of an industrial waste treatment facility at the company's plant in the City of Coatesville, Chester County, Pa. Physical and chemical treatment measures and recycling techniques will be applied to an average wastewater flow of 7 million gallons per day. Treated effluent will discharge to Sucker Run, a tributary of the West Branch of Brandywine Creek.

H. *Delmarva Power and Light Co. (D–77–24).* An industrial waste treatment project at the company's Edge Moor generating station in Wilmington, New Castle County, Del. The treatment facility will provide for the reduction of metals, oil and suspended solids, and pH adjustment. Approximately 370,000 gallons per day and intermittent batch discharges will flow to the Delaware River after treatment.

I. *Hoffman-LaRoche, Inc. (D–77–26).* A well water supply project for industrial use at the company's plant in White Township, Warren County, N.J. Designated as Well No. 4, the facility has been in use for monitoring purposes. It is now proposed to add the well to the plant's water supply system for use on a regular basis, thereby increasing total reliable yield from all wells to approximately 2.5 million gallons per day.

J. *DuPont Country Club (D–77–25).* A surface water withdrawal to be used for irrigation of the duPont Louviers Golf Course near Milford Cross Road, New Castle County, Del. Approximately 225,000 gallons per day would be withdrawn from White Clay Creek when required for irrigation use in the period from April to October.

K. *Thomas W. Belk Jr. (D–76–20–revised).* Revision to a previously approved plan for boat launching facilities and adjacent fill on Darby Creek in Ridley Township, Delaware County, Pa. The plan provides for a reduced land area that will require filling. The dock and launching facilities will be for private use by the owners.

L. *American Dredging Co. (D–74–66).* A project to utilize a temporary rehandling basin in Logan Township, Gloucester County, N.J. A dredged hole in Klondike Ditch will be used for the temporary rehandling of spoil produced from maintenance dredging.

Documents relating to the above-listed projects may be examined at the Commission's offices.

II. A proposed fourteenth annual Water Resources Program consisting of the following text:

Whereas, Sections 3.2 and 13.2 of the Delaware River Basin Compact require the annual adoption of a Water Resources Program, based upon the Comprehensive Plan; and

Whereas, the Comprehensive Plan of the Delaware River Basin calls for the management of the waters of the basin so that they may be beneficially used for water supply, wildlife, fish and aquatic life, recreation, and navigation; and

Whereas, past and ongoing studies indicate the need for additional efforts to bring water supplies in balance with water demands during periods of drought, to provide protection during floods, and to restore and maintain water quality to the levels set forth in the Comprehensive Plan; and

Whereas, ongoing planning efforts by agencies signatory to the Delaware River Basin Compact, and by the staff of the Delaware River Basin Commission, including its level B Study, must be coordinated and integrated into the Comprehensive Plan; and

Whereas, in view of the potential impact of the Level B Study, the salinity study, and a pending groundwater study upon the Comprehensive Plan, the Commission has selected a three-year period for this Water Resources Program; now therefore

Be it resolved by the Delaware River Basin Commission: 1. The Delaware River Basin Commission finds: (a) The rate of increase in demands for water by the basin community has slowed even though areas subject to urbanization, industrialization and irrigation continue to expand. Current depletive uses of water, however, will depress minimum sustainable streamflows during periods of drought to levels insufficient to meet current demands and water quality levels specified in the Comprehensive Plan.

(b) The quality of water, as recorded in reports prepared pursuant to Section 305(b) of P.L. 92–500, is being sustained at or above limits set forth in the Comprehensive Plan for the free flowing portions of the Delaware River. While still degraded, the quality of the tidal river shows evidence of improvement.

(c) The major reservoirs[1] of the basin, combined with natural runoff and the present level of groundwater development are incapable of meeting foreseeable depletive water demands, dictating the earliest possible completion of the Blue Marsh project on Tulpehocken Creek and the Trexler project on Jordan Creek.

2. The Delaware River Basin Commission will direct its efforts during the ensuing three-year period toward:

[1] Water Management of the Delaware River Basin, a staff compilation of planning assumptions, programs, data, and a means of managing the basin's water resources, April 1975, Table II–1.

(a) Establishing comprehensive water conservation policy designed to (1) make the most efficient use of the water now available, (2) reduce the energy needed to deliver water and treated wastewater, and (3) reduce to a minimum the need for new capital facilities.

(b) Promulgating and issuing regulations to implement policy on the priorities of water uses during drought emergencies.

(c) Developing a contingency plan which can be initiated during periods of drought emergencies.

(d) Studying the groundwater resources of the basin and developing management plans to protect these resources and those who depend upon them. These plans will include guidelines which are to be followed in drawing upon and resolving conflicts among competing users of underground waters.

(e) Expediting studies to determine the causal relationships between freshwater flow and sea salt intrusion, and adopting policy based upon such determination for the general guidance of users of basin water.

(f) Investigating the quantity of water needed to develop the energy resources of the basin, and the quality problems associated therewith.

(g) Providing special water quality services on interstate streams. These services will include (1) monitoring stream quality, (2) negotiating compatible water quality standards, (3) conducting special field investigation, (4) maintaining high level technical competency in mathematical modeling, (5) performing mathematical modeling tasks, (6) allocating the assimilative capacity among dischargers, and (7) preparing annual water quality status reports pursuant to Section 305(b) of P.L. 92-500.

(h) Supporting the efforts being made by the parties signatory to the Delaware River Basin Compact to protect water of high quality from degradation and to improve the quality of water presently in a substandard condition. Toward this end, the Delaware River Basin Commission stands ready to use its authority and resources to prosecute polluters of surface and underground waters.

(i) Coordinating and integrating the water quality investigations now under way into a cohesive basinwide plan.

(j) Assisting in the reduction of flood damages by (1) encouraging restrictions on those uses of flood plains that may cause loss of life, or damage to public or private property, (2) studying those areas which have in the past been subject to flooding with the goal of identifying the most economic means of minimizing or preventing future losses, and (3) causing appropriate structural and non-structural measures to reduce flood damages to be implemented in the best interest of basin citizens.

(k) Promoting construction, when environmentally and economically justified, of those facilities necessary to proper management of the basin's waters. The Commission will apportion the non-federal cost of such facilities among the benefitting states and will continue past programs or embark upon new programs to recapture the cost of such governmental expenditure from the parties who receive direct benefits.

3. The Delaware River Basin Commission, per se, does not expect to initiate construction of any water resources projects during the ensuing three-year period.

4. This resolution shall constitute the fourteenth Water Resources Program of the Delaware River Basin Commission.

Persons wishing to testify are requested to notify the Secretary prior to the hearing.

W. BRINTON WHITALL,
Secretary.

APRIL 15, 1977.

[FR Doc.77-11594 Filed 4-20-77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 716-7]

AMBIENT AIR MONITORING REFERENCE AND EQUIVALENT METHODS

Receipt of Application for Reference or Equivalent Method Determination

Notice is hereby given that on March 31, 1977, the Environmental Protection Agency received an application from Lear Siegler, Inc., Englewood, Colorado, to determine if its Model SM1000 SO$_2$ Ambient Monitoring System with Outdoor Enclosure should be designated by the Administrator of the EPA as a reference or equivalent method under 40 CFR Part 53, promulgated February 18, 1975 (40 FR 7044). If, after appropriate technical study, the Administrator determines that this method should be so designated, notice thereof will be given in a subsequent issue of the FEDERAL REGISTER.

WILSON K. TALLEY,
Assistant Administrator for Research and Development.

APRIL 18, 1977.

[FR Doc.77-11625 Filed 4-20-77;8:45 am]

[FRL 716-6]

SCIENCE ADVISORY BOARD, EXECUTIVE COMMITTEE

Open Meeting

Pursuant to Pub. L. 92-463, notice is hereby given that a meeting of the Executive Committee of the Science Advisory Board will be held on May 12 and 13, 1977. The meeting will begin at 9 a.m. and will take place in Room 1101, Waterside Mall West Tower, 401 M Street SW., Washington, D.C.

The agenda includes reports on the activities of member committees and subcommittees of the Board; consideration of Committee action on studying the effectiveness of EPA's extramural research; a briefing by the Office of Toxic Substances on an approach for carcinogenesis testing; a discussion future activities of the SAB committees; a brief discussion of Agency responses to past activities of the Board; and Member items of interest.

The meeting is open to the public. Any individual or organization wishing to attend, participate, present a paper or obtain additional information should contact Mr. Lloyd Taylor at (202) 755-0263, no later than May 6, 1977.

LLOYD T. TAYLOR,
Acting Staff Director, Science Advisory Board.

APRIL 18, 1977.

[FR Doc.77-11624 Filed 4-20-77;8:45 am]

[FRL 716-5]

STATE-FEDERAL FIFRA IMPLEMENTATION ADVISORY COMMITTEE

Renewal

Pursuant to section 7(a) of the Office of Management and Budget Circular No. A-63, Transmittal Memorandum No. 1, dated July 19, 1974, it is hereby determined that renewal of the State-Federal FIFRA Implementation Advisory Committee is in the public interest in connection with the performance of duties imposed on the Agency by law. The charter which continues the State-Federal FIFRA Implementation Advisory Committee through April 18, 1978, unless otherwise sooner terminated, will be filed at the Library of Congress.

DOUGLAS M. COSTLE,
Administrator.

APRIL 15, 1977.

[FR Doc.77-11623 Filed 4-20-77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 21158-21160; File Nos. 7681-CM-P-72, etc.]

A. MICHAEL LIPPER ET AL.

Designating Applications for Consolidated Hearing on Stated Issues; Memorandum Opinion and Order

Adopted: March 7, 1977.
Released: April 15, 1977.

In re applications of A. Michael Lipper, Docket No. 21158, File No. 7681-CM-P-72; and Multi Communication Services, Inc., Docket No. 21159, File No. 9443-CM-P-72; and Interstate Mobile Communications Service Corporation d/b/a A-plus Communications of Puerto Rico, Docket No. 21160, File No. 9444-CM-P-72; for construction permits in the Multipoint Distribution Service for a new station at San Juan, Puerto Rico.

1. The Commission has before it the above-referenced applications of A. Michael Lipper (Lipper), filed on April 24, 1972; Multi Communications Services, Inc. (Multicom), filed on June 22, 1972 and Interstate Mobile Communications Service Corporation d/b/a A-plus Communications of Puerto Rico (A-Plus), filed on June 29, 1972. All three applications propose Channel 1 operation in the San Juan, Puerto Rico area, and thus are mutually exclusive and require comparative consideration. All three applications

have been amended as a result of informal requests of the Commission staff for additional information, and no petitions to deny or other objections to any of the applications have been received.

2. Lipper has MDS construction permit applications pending before the Commission for four other cities, including Monterey, California and has been granted permits in Long Island, New York and So. Lake Tahoe, California. Multicom has twenty-three MDS construction permit applications pending. Several of its officers have interests in broadcasting and CATV operations in Florida and Georgia. A-Plus, a/k/a Interstate Mobile Communications Service Corporation, holds a construction permit to establish new DPLMRS facilities at San Juan, but has only the above-captioned MDS application pending.

3. Upon review of the captioned applications, we find that all three applicants are legally, technically, financially, and otherwise qualified to provide the services which they propose, and that a hearing will be required to determine, on a comparative basis, which of these applications should be granted.

4. *Accordingly, it is hereby ordered,* That pursuant to section 309(e) of the Communications Act of 1934, as amended, and § 0.291 of the Commission's rules, the above-captioned applications are designated for hearing, in a consolidated proceeding, at a time and place to be specified in a subsequent order, to determine, on a comparative basis, which of the above-captioned applications should be granted in order to best serve the public interest, convenience and necessity. In making such a determination, the following factors shall be considered: [1]

(a) The relative merits of each proposal with respect to service area and efficiency use;

(b) The nature of the services and facilities proposed, and whether they will satisfy service requirements known to exist or likely to exist in the San Juan, Puerto Rico area;

(c) The anticipated quality and reliability of the service proposed, including selection of equipment, installation, subscriber security and maintenance;

(d) The charges, regulations and conditions of the service to be rendered, and their relation to the nature, quality and costs of service; and

(e) The managerial and entrepreneurial qualifications of the applicants.

5. *It is further ordered,* That A. Michael Lipper, Multi Communication Services, Inc., Interstate Mobile Communications Service Corporation d/b/a A-Plus Communications of Puerto Rico, and the Chief, Common Carrier Bureau, are made parties to this proceeding.

6. *It is further ordered,* That parties desiring to participate herein shall file their notices of appearance in accordance with the provisions of § 1.221 of the Commission's rules.

WALTER R. HINCHMAN,
Chief, Common Carrier Bureau.

[FR Doc.77-11537 Filed 4-20-77;8:45 am]

[1] Consideration of these factors shall be made in light of the Commission's discussion in Peabody Telephone Answering Service, et al., 55 F.C.C. 2d 626 (1975).

ACTIONS IN RULE MAKING PROCEEDINGS FILED

Petitions for Reconsideration

APRIL 15, 1977.

Docket or RM No.	Rule No.	Subject	Date received
None	§§ 1.4, 1.773, 61.58, 61.60, 61.61, 61.62, 61.63, 61.64, and 61.66.	Amendment of parts 1 and 61 of the rules concerning the filing of tariffs, petitions for suspension, and replies. Filed by Francis J. DeRosa and Charles M. Lehrhaupt, attorneys for RCA Global Communications, Inc.	Mar. 29, 1977

NOTE.—Oppositions to petitions for reconsideration must be filed within 15 days after publication of this Public Notice in the FEDERAL REGISTER. Replies to an opposition must be filed within 10 days after time for filing oppositions has expired.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77-11536 Filed 4-20-77;8:45 am]

FEDERAL MARITIME COMMISSION

FAR EAST CONFERENCE AND PACIFIC WESTBOUND CONFERENCE MEMBER LINES

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before May 11, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

R. Frederic Fisher, Esq., Lillick McHose & Charles, Two Embarcadero Center, San Francisco, California 94111.

Agreement 10135 authorizes the member lines of the Far East and Pacific Westbound Conferences (Agreements 17 and 57 respectively) to meet jointly to "* * * discuss, consider, and, if possible, agree upon recommendations to the (Conferences) * * *" upon matters of mutual interest including "Any matter within the scope of FMC Agreement 8200 * * * and Agreements 57 and 17 * * * (and) Practices and rate structures and policies relating to the interchange of traffic with land carriers (intermodalism)."

This arrangement is scheduled to expire by its terms on October 8, 1977. Agreement 10135-4 here would accord the basic agreement an unlimited approval, i.e., without an expiry date.

By Order of the Federal Maritime Commission.

Dated: April 18, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-11599 Filed 4-20-77;8:45 am]

RICHMOND, CALIF. AND MATSON TERMINALS, INC.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the

Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before May 2, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Captain Thomas R. Eddy, Port Director, City of Richmond, California, City Hall, Richmond, California 94804.

Agreement No. T-3379-A, between the City of Richmond, California (Port) and Matson Terminals, Inc., (Matson), is a technological assistance agreement whereby Matson shall provide to the Port: (1) consulting services for the design, construction, and equipping of container terminal facilities; and (2) the nonexclusive right, license and privilege, under Matson's container terminal patent rights, to use installed and employed apparatus and related processes at the container terminal. As compensation, the Port shall: (1) pay Matson an amount based on Matson's actual cost for man hours required to provide the services; (2) reimburse Matson for its actual out-of-packet expenses incurred in performing the consulting services; and (3) pay Matson, for the nonexclusive right, license, and privilege granted the Port under Matson's container terminal patent rights, a royalty of $5.00 per container handling during the life of said nonexclusive right, license and privilege. If FMC Agreement No. T-3379, as amended, becomes effective, Matson shall refund to the Port all amounts paid by the Port to Matson based on Matson's actual cost for man hours required to provide the services; and any nonexclusive right, license, and privilege granted under FMC Agreement No. T-3379-A shall be replaced by a nonexclusive right, license, or privilege granted under paragraph 11 of FMC Agreement No. T-3379, as amended.

By Order of the Federal Maritime Commission.

Dated: April 18, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-11600 Filed 4-20-77;8:45 am]

[No. 77-9]

UNITED NATIONS V. HELLENIC LINES LIMITED

Filing of Complaint

Notice is hereby given that a complaint filed by United Nations against Hellenic Lines Limited was served April 15, 1977. The complaint alleges that complainant was assessed ocean freight charges higher than those properly applicable in violation of section 18(b)(3) of the Shipping Act, 1916.

Hearing in this matter, if any is held, shall commence on or before October 15, 1977. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matters in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-11598 Filed 4-20-77;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. ER77-287]

CONNECTICUT LIGHT AND POWER CO.

Second Amendment to Transmission Agreement

APRIL 13, 1977.

Take notice that on April 6, 1977, The Connecticut Light and Power Company (CL&P) tendered for filing a proposed Second Amendment to Transmission Agreement (Second Amendment) dated January 1, 1977 between (1) CL&P, The Hartford Electric Light Company (HELCO) and Western Massachusetts Electric Company (WMECO) and (2) City of Holyoke Gas and Electric Department (HG&E).

CL&P states that HG&E has executed contracts with the Vermont Electric Power Company ("VELCO") of Rutland, Vermont and Green Mountain Power Corporation ("GMP") of Burlington, Vermont for the purchase of power from VELCO's and GMP's entitlements in the Vermont Yankee nuclear generating facility (the HG&E purchase) in the amount of 5,000 kilowatts for the periods May 1, 1975 to March 31, 1977, May 1, 1979 to October 31, 1979 and May 1, 1980 to October 31, 1980 and May 1, 1981 to October 31, 1981 and 7,000 kilowatts for the period April 1, 1977 to October 31, 1978.

CL&P states that the Second Amendment provides for an extension of the termination date of the Transmission Agreement from April 30, 1978 to October 31, 1981 and increases the amount to be transmitted for the period from April 1, 1977 to October 31, 1978 from 5,000 kilowatts to 7,000 kilowatts.

CL&P states that there was not sufficient time to prepare, execute and file the Second Amendment with the Commission more than thirty days prior to the proposed effective date.

CL&P therefore requests that, in order to permit HG&E to receive transmission service to wheel the HG&E purchase, and to allow CL&P, HELCO and WMECO to receive payment for such transmission service, the Commission, pursuant to Section 35.11 of its regulations, waive the thirty-day notice period and permit the Second Amendment filed to become effective on April 1, 1977.

HELCO and WMECO have filed certificates of concurrence in this docket.

CL&P states that copies of this rate schedule have been mailed or delivered to CL&P, Hartford, Connecticut, HELCO, Hartford, Connecticut, WMECO, West Springfield, Massachusetts and HG&E, Holyoke, Massachusetts.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedures (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 27, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-11551 Filed 4-20-77;8:45 am]

[Docket No. ER77-289]

CONNECTICUT LIGHT AND POWER CO.

Purchase Agreement

APRIL 13, 1977.

Take notice that on April 6, 1977, The Connecticut Light and Power Company (CL&P) tendered for filing a proposed Purchase Agreement with Respect to Various Gas Turbine Units, dated November 30, 1976 between (1) CL&P and The Hartford Electric Light Company (HELCO), and (2) Village of Lyondonville, Vermont (VOL).

CL&P states that the Purchase Agreement provides for a sale to VOL of a specified percentage of capacity and energy from four gas turbine generating units (Enfield, Devon, Middletown, and Torrington Terminal) during the period from December 1, 1976, to March 31, 1977, together with related transmission service.

CL&P states that although the amount of this gas turbine sale was agreed to prior to the date of the Purchase Agreement, the development of the language of the rate schedule delayed the completion of the Purchase Agreement and thus delayed execution of the agreement until a date which prevented the filing

of such rate schedule more than thirty days prior to the proposed effective date.

CL&P therefore requests that, in order to permit VOL to receive urgently needed capacity and to permit CL&P and HELCO to receive the capacity revenues from this sale, the Commission, pursuant to § 35.11 of its regulations, waive the thirty-day notice period and permit the rate schedule filed to become effective on December 1, 1976.

CL&P requests an effective date of December 1, 1976 for the VOL agreement.

HELCO has filed a certificate of concurrence in this docket.

CL&P states that copies of this rate schedule have been mailed or delivered to CL&P, Hartford, Connecticut; HELCO, Hartford, Connecticut; and VOL, Lyndonville, Vermont.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 27, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-11548 Filed 4-20-77;8:45 am]

[Docket No. ER77-288]

CONNECTICUT LIGHT AND POWER CO.

Purchase Agreement

APRIL 13, 1977.

Take notice that on April 6, 1977, The Connecticut Light and Power Company (CL&P) tendered for filing a proposed Purchase Agreement with Respect to Various Gas Turbine Units, dated November 30, 1976 between (1) CL&P and The Hartford Electric Light Company (HELCO), and (2) Central Vermont Public Service Corporation (CVPSC).

CL&P states that the Purchase Agreement provides for a sale to CVPSC of a specified percentage of capacity and energy from four gas turbine generating units (Enfield, Devon, Middletown, and Torrington Terminal) during the period from December 1, 1976, to March 31, 1977, together with related transmission service.

CL&P states that although the amount of this gas turbine sale was agreed to prior to the date of the Purchase Agreement, the development of the language of the rate schedule delayed the completion of the Purchase Agreement and thus delayed execution of the agreement until a date which prevented the filing of such rate schedule more than thirty days prior to the proposed effective date.

CL&P therefore requests that, in order to permit CVPSC to receive urgently needed capacity and to permit CL&P and HELCO to receive the capacity revenues from this sale, the Commission, pursuant to § 35.11 of its regulations, waive the thirty-day notice period and permit the rate schedule filed to become effective on December 1, 1976.

CL&P requests an effective date of December 1, 1976 for the CVPSC agreement.

HELCO has filed a certificate of concurrence in this docket.

CL&P states that copies of this rate schedule have been mailed or delivered to CL&P, Hartford, Connecticut; HELCO, Hartford, Connecticut; and CVPSC, Rutland, Vermont.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 27, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-11547 Filed 4-20-77;8:45 am]

[Docket No. ER77-175]

FLORIDA POWER & LIGHT CO.

Corrected Order Accepting for Filing and Suspending Proposed Rate Change, Granting Intervention, and Establishing Procedures

APRIL 12, 1977.

Florida Power and Light Company (FP&L) on January 28, 1977, tendered for filing a proposed agreement under which FP&L would transmit to the Utilities Commission of the City of New Smyrna Beach, Florida (City), the City's portion of the power and energy generated from Florida Power Corporation's Crystal River No. 3 Nuclear Power Unit. FP&L requested an effective date based on the commencement of commercial operation of the unit. Notice of the tendered filing was issued on February 8, 1977, with all petitions or protests to be filed on or before February 21, 1977.

The filing was found to be deficient and the Secretary notified FP&L of this deficiency in a letter issued March 2, 1977.

On February 22, 1977, the City filed a Petition to Intervene and Request for Hearing. The Petition urged the Commission: (1) To accept the filing despite the deficiency because the City will be in need of the transmission service imminently; (2) to grant the City's Petition to Intervene; (3) to order a hearing; and (4) to consider the filing supplemental rather than initial so that the Commission can suspend the rate and make any effective rate subject to refund under section 205 of the Federal Power Act.

FP&L filed a response to the City's Petition on March 9, 1977. The Company did not request the Commission to reject the petition to intervene, but did challenge the City's assertion that the proposed agreement represents a supplemental rate filing.

FP&L maintained that the filing is clearly an initial rate schedule, and that the Commission, therefore, only had the authority to order prospective relief under section 206 of the Federal Power Act.

On March 15, 1977, "Staff Counsel's Answer to Petition to Intervene and Request for Hearing of City of New Smyrna Beach" was filed with the Commission.

ACCEPTANCE FOR FILING

In the ordinary course of events, after a deficiency letter is sent out to the filing party, the filing cannot be accepted until the deficiency has been corrected. However, in exceptional circumstances, the Commission may waive regulations if this waiver would be consistent with the public interest. Such a circumstance exists with this filing.

Under the proposed agreement, FP&L is to provide transmission service to the City in order for the City to receive its allotted share of generating capacity from the Crystal River Nuclear Plant. The plant is expected to become commercially operative shortly. The City is eager to have the transmission service begin on schedule.

Therefore, consistent with the public interest, the Commission will waive the filing requirement not yet complied with by FP&L and accept the Company's proposed agreement for filing as of January 28, 1977.

CHARACTER OF RATE FILING

FP&L has requested that the Commission treat the proposed agreement as an initial rate filing subject only to 206 of the Federal Power Act. The City has requested that the Commission consider the proposed agreement as a supplemental rate filing subject to the suspension and refund provisions of section 205 of the Act. The Commission finds that the City's request is correct in this instance.

The City, at present, provides some of its own electric power generation capacity and receives its remaining capacity requirements from FP&L. FP&L thus provides the City with firm partial requirements service. In providing this service, FP&L necessarily provides the City with the transmission services necessary to carry FP&L's generating capacity to the City.

Section 35.1(c) of the Commission's regulations states:

A rate schedule applicable to a transmission or sale of electric energy which proposes to supersede, supplement, cancel, or otherwise change any of the provisions of a rate schedule required to be on file with this Commission (such as providing for other

or additional rates, charges, classifications or services, or rules, regulations, practices or contracts for a particular customer or customers) shall be filed as a change in rate in accordance with § 35.13, except Notices of Cancellation or Termination which shall be filed as a change in accordance with § 35.15.

Clearly, FP&L's proposed agreement to transmit power from the new unit is an "additional rate * * * or service * * * for a particular customer". As such, FP&L's filing is subject to Section 205 of the Federal Power Act. Consistent with the public interest, the Commission finds it appropriate to exercise its authority under section 205(e) of the Act to suspend the proposed rate for one day, after which the rate will go into effect subject to refund pending the outcome of a publice hearing. We shall require FP&L to file its case-in-chief so that Staff can evaluate the justness and reasonableness of the rates under section 205(e).

It should be noted that the Commission has not determined that the proposed rate for the transmission service constitutes a rate increase. However, section 205(e) does not require that the proposed rate be determined to be an increase before the Commission can require that the rate go into effect subject to refund. Such a determination may be made in the course of a public hearing as hereinafter described.

The Commission finds: (1) Good cause exists to accept for filing FP&L's proposed agreement and to suspend the proposed rates for one day from date that the nuclear unit commences commercial operation after which they shall become effective subject to refund.

(2) Good cause exists to require FP&L to file its case-in-chief pursuant to § 35.13(b)(5) of the Commission's regulations.

(3) Good cause exists to grant the late petition to intervene of the Utilities Commission of the City of New Smyrna Beach, Florida (City) and to make the City a full party to the proceeding as it may be in the public interest.

(4) It is necessary and in the public interest that an evidentiary hearing be held in this Docket in order for the Commission to discharge its statutory responsibilities under section 205 of the Federal Power Act.

The Commission orders: (A) That FP&L's proposed agreement be accepted for filing as of January 28, 1977, and that the proposed rates contained therein be suspended for one day from the date that the nuclear unit commences commercial operation, after which they shall become effective subject to refund.

(B) That FP&L is required to file its case-in-chief by May 19, 1977.

(C) That the petition to intervene of the Utilities Commission of the City of New Smyrna Beach, Florida (City) is hereby granted and the City is made a full party to the proceeding; *Provided, however,* That participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; *And provided, further,* That the admission of such intervenor shall not be construed as recognition by the Commission that he might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(D) That the late intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(E) Pursuant to the authority contained under the Federal Power Act, the Commission's rules of practice and procedure and the regulations under the Federal Power Act, a public hearing to determine the justness and reasonableness of the proposed rates, charges, terms and conditions of service of FP&L, commencing with a pre-hearing conference before an Administrative Law Judge on June 9, 1977, at 10 a.m., in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426. The Law Judge is authorized to establish all procedural dates and to rule upon all motions (except petitions to intervene, motions to consolidate and sever and motions to dismiss), as provided for in the rules of practice and procedures.

(F) That nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to § 1.18 of the Commission's rules of practice and procedure.

(G) That the Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

KENNETH F. PLUMB,[1]
Secretary.

[FR Doc.77-11546 Filed 4-20-77; 8:45 am]

[Docket No. E-6730]

GEORGIA POWER CO.

Offer of Settlement

APRIL 12, 1977.

Take notice that on March 29, 1977, Georgia Power Company submitted an offer of Settlement with respect to the amounts payable under section 10(f) of the Federal Power Act (16 U.S.C. 803(f)) for benefits received in the years 1966 through 1973 from the Buford headwater improvement, owned and operated by the Corps of Engineers in the Chattahoochee River basin, and for Federal Power Commission staff cost of studies. The Company proposes that the amount to be paid for benefits received be $1,160,800 and the amount for cost of studies be $137,600, for a total of $1,298,400 and that this amount also includes any payments allegedly due for prior periods. Because the Company has already paid $974,000 under protest, the balance to be paid for benefits and cost of studies under this offer would be $324,400. The Company also states that the offer is contingent upon waiver by the Commission of all penalties, interest, or other charges.

Any person desiring to be heard or to protest said offer of settlement should file comments with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before May 16, 1977. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this offer of settlement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-11555 Filed 4-20-77;8:45 am]

[Docket No. ID-1809]

HERBERT W. SEARS

Application

APRIL 12, 1977.

Take notice that on March 24, 1977, Herbert W. Sears, Applicant, filed an application pursuant to section 305(b) to hold the following positions:

Position, name of corporation, and classification
Vice President, The Connecticut Light and Power Company, Public Utility.
Vice President, The Hartford Electric Light Company, Public Utility.
Vice President, Western Massachusetts Electric Company, Public Utility.
Vice President, Holyoke Water Power Company, Public Utility.
Vice President, Holyoke Power and Electric Company, Public Utility.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 5, 1977. Protests will be considered by the Commission in determining the appropriate action to taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-11556 Filed 4-20-77;8:45 am]

[Docket No. E-7740]

INDIANA & MICHIGAN ELECTRIC CO.

Order Adopting Settlement Agreement

APRIL 12, 1977.

On September 30, 1976, Indiana & Michigan Electric Company (I&ME) filed a Proposed Settlement Agreement with certain of its rural cooperative customers with the Commission in this case. The Commission finds that the Proposed Settlement Agreement is in the public in-

[1] Commissioner Watt, dissenting in part and concurring in part, filed a separate statement as part of the original document.

terest and accepts and approves it subject to certain conditions as hereinafter specified.

Docket E–7740 was initiated on June 13, 1972, when I&ME filed a proposed rate increase for electric service to its resale customers, including seven rural electric cooperatives.[1] By orders issued on August 11, and October 6, 1972, we accepted I&ME's filing and suspended it for five months to become effective on January 13, 1973, subject to refund.

Subsequently, by order issued on June 3, 1974, we found that I&ME's filing with respect to the Cooperatives was contractually impermissible under section 205 of the Federal Power Act and directed I&ME to refund the incremental amounts generated by the June 13, 1972, filing. We treated I&ME's filing as a motion to institute a section 206 proceeding in which the proposed rates would be assessed on a "cost-plus fair return standard."

On December 31, 1975, I&ME submitted for filing in Docket Nos. ER76–416, ER76–417, ER–418, ER76–419, ER76–427, ER–76–433 and ER76–434, revised fuel adjustment clauses for each of its cooperative customers in purported compliance with Commission Order No. 517. Although the proposed fuel clause appeared to be appropriate as to form and substance, the Secretary advised I&ME that the submittals were deficient because it had not supplied necessary revenue comparisons. These filings remain incomplete, but their purpose is now mooted by the proposed settlement tariff, which contains essentially the same fuel clause with an updated base price.

On May 28, 1976, I&ME submitted for filing in Docket No. ER76–716 further increases in rates to its municipal and cooperative resale customers. By Order issued on June 25, 1976, we suspended the municipal increase for one month, and instituted a Section 206 proceeding for cooperative services in order to set just and reasonable rates on a prospective basis.

Settlement negotiations among I&ME and the seven cooperatives have ripened into an uncontested settlement, which was filed on September 30, 1976. The settlement agreement was noticed by the Commission on October 13, 1976, providing that all parties who wished to comment should file on or before November 1, 1976. By further notice the time for filing was extended to December 6, 1976. On December 6, 1976, the Commission Staff filed comments on the settlement agreement favoring the settlement. No other comments were received.

The Settlement Agreement provides for (1) waiver, by the Cooperatives, of their "Sierra-Mobile" protection to the extent necessary to implement the terms of the Settlement Agreement; (2) establishment of a new, higher tariff rate (REC) for service to the Cooperatives for the period of July 1, 1976, through April 30, 1977; (3) institution of a further increased tariff rate (REC 1) for service to the cooperatives for a period May 1, 1977, through April 30, 1978; (4) inclusion of a settlement fuel adjustment clause in both REC and REC–1 settlement rates, in compliance with § 35.14 of the Commission's regulations; (5) a moratorium on the effective date of any further rate increase to the Cooperatives until May 1, 1978; and (6) all refunds on the originally filed increase in Docket No. E–7740 will be made at 7 percent interest, including refunds on overcharges after October 10, 1974. Approval of a 7 percent interest rate on refunds in this docket is consistent with our order issued in "Appalachian Power," Docket No. E–7775 issued on November 2, 1976.[2]

Based on I&ME filed case-in-chief in Docket No. ER76–716 the proposed REC settlement rate will reduce the amount of the requested increase of about $8,958,000 to about $1,965,000 for Period II (calendar year 1976 estimated). Application of the proposed REC–1 settlement rate will effect an increase of about $4,708,740 over present rates for Period II.

The settlement rates as reflected in the submitted agreement are not in excess of the rate level reflected in the Staff's revised settlement cost of service Top Sheet in Docket ER76–716 filed on December 8, 1976.

Based on our review of the record in these proceedings, including the settlement agreement itself, the filings, documents and pleadings submitted, we conclude that the settlement agreement represents a reasonable resolution of the issues in the proceeding and the public interest, and that accordingly the settlement should be approved.

The Commission finds. The settlement agreement filed with the Commission in this docket should be approved and made effective, as hereinafter ordered.

The Commission orders. (A) The settlement agreement filed by I&ME in this docket on September 30, 1976, is hereby approved and made effective, subject to the following conditions.

(B) Within 30 days of the date of this order, I&M shall file with the Commission executed superseding service agreements for service under its proposed tariff rates for each resale cooperative customer involved in these proceedings in conformity with the terms of the settlement agreement approved herein.

(C) I&M shall refund the difference in revenues collected under its prior rates and those collected as a result of its June 13, 1972, filing in Docket No. E–7740, at the agreed upon interest rate of 7 percent per annum.

(D) I&M shall file a compliance report within 30 days of the date of this order which shows monthly billing determinants and revenues under the Company's prior rates and those collected as a result of its June 13, 1972, filing in Docket No. E–7740 for the entire period during which the latter rates were being collected, subject to refund. The report shall show the monthly rate refund and the monthly interest computation together with a summary of such information for the total refund period. A copy of such report shall be furnished to each state Commission within whose jurisdiction the wholesale customers distribute and sell electric energy at retail.

(E) This order is without prejudice to any findings or order which have been made or which will hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its Staff, or any party or person affected by this order, against I&ME or any person or party.

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–11545 Filed 4–20–77;8:45 am]

[1] Fruit Belt Electric Cooperative, Jay County Rural Electric Membership Corporation, United Rural Electric Membership Corporation, Noble County Rural Electric Membership Corporation, Wayne County Rural Electric Membership Corporation, Paulding-Putman Electric Cooperative, Inc., and Whitley County Rural Electric Membership Cooperative.

[2] We note that the settlement was filed on September 30, 1976, prior to our order of December 6, 1976 which made 9 percent the rate for all settlements.

[Docket No. RP74–100 etc. (PGA77–5)]

NATIONAL FUEL GAS SUPPLY CORP.

Proposed PGA Rate Adjustment

APRIL 12, 1977.

Take notice that on April 1, 1977, National Fuel Gas Supply Corporation (National) tendered for filing as part of its FPC Gas Tariff, Original Volume No. 1, Twelfth Revised Sheet No. 4, proposed to be effective May 1, 1977.

National states that the purpose of this revised tariff sheet is to adjust National's rates pursuant to the PGA provisions in section 17 of the general terms and conditions and to recover the cost of emergency purchases for February and March of 1977 over the remaining five months of its currently effective surcharge. National further states that such tariff sheet reflects an adjustment in National's rates of 13.82 cents per Mcf on Twelfth Revised Sheet No. 4.

National proposes, in the event that Twelfth Revised Sheet No. 4 is not approved effective May 1, 1977, that Alternate Twelfth Revised Sheet No. 4 filed herewith be made effective May 1, 1977. Alternate Twelfth Revised Sheet No. 4 reflects only the current PGA adjustment.

It is stated that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the

Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before April 25, 1977. Protests will be considered by the Commission in determining the appropriate parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-11558 Filed 4-20-77;8:45 am]

[Project No. 287]

NORTH COUNTIES HYDRO-ELECTRIC CO.

Issuance of Annual License(s)

APRIL 12, 1977.

On December 20, 1972, North Counties Hydro-Electric Company, Licensee for the Dayton Project No. 287, located in La Salle County, Illinois, on the Fox River, filed an application for a new license pursuant to the Federal Power Act and Commission regulations thereunder.

The license for Project No. 287 was issued effective April 11, 1924, for a period ending April 10, 1974. Since expiration of the original license, the project has been maintained and operated under annual license, the most recent of which will expire on April 10, 1977. In order to authorize the continued operation and maintenance of the project, pending Commission action on Licensee's application, it is appropriate and in the public interest to issue an annual license to the North Counties Hydro-Electric Company.

Take notice that an annual license is issued to the North Counties Hydro-Electric Company for the period April 11, 1977, to April 10, 1978, or until Federal take-over, or until the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Dayton Project No. 287 subject to the terms and conditions of the original license. Take further notice that if Federal takeover or issuance of a new license does not take place on or before April 10, 1978, a new annual license will be issued each year thereafter, effective April 11 of each year, until such time as Federal takeover takes place or a new license is issued, without further notice being given by the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-11554 Filed 4-20-77;8:45 am]

[Docket No. ER77-283]

NORTHERN STATES POWER CO.

Supplement No. 15 to Interconnection and Interchange Agreement

APRIL 13, 1977.

Take notice that Northern States Power Company (Northern States), on April 6, 1977, tendered for filing, Supplement No. 15 to the Interconnection and Interchange Agreement between Dairyland Power Cooperative, Northern States Power Company (Minnesota), and Northern States Power Company (Wisconsin).

Northern States indicates that Supplement No. 15 provides a Fifteenth Revised Exhibit A, a Fifteenth Revised Page B-1, and Circuit Diagram Sheets adding the Elco, Crystal Cave, Alma-Tremval, and Kinnickinnic Interconnections to the terms of the Agreement.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions and protests should be filed on or before April 27, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-11550 Filed 4-20-77;8:45 am]

[Docket No. RI77-56]

OIL AND GAS FUTURES, INC. OF TEXAS, ET AL.

Application Special Relief

APRIL 14, 1977.

Take notice that on April 8, 1977, Oil and Gas Futures, Inc. of Texas, et al. (O & G Futures) filed an application for special relief from rates established under § 2.56 of the Commission's regulations for sales of gas made to Trunkline Gas Company from Grand Isle Block 82, Offshore Federal Domain, Gulf of Mexico. O & G Futures petitions for a special relief rate of $2.25 per Mcf under the provisions of § 2.76 of the Commission's Statements of Policy and Interpretations and Order No. 481 in order to reimburse it for part of the actual out-of-pocket costs for reworking operations and unrecovered capital costs expended to date and for a proposed additional investment of $150,000 during 1977 for required remedial operations. O & G Futures states that in the absence of immediate price relief action by the Commission it will be forced to abandon the properties. O & G Futures avers that the current prices received for gas render the project uneconomic and do not allow for reworking operations to enable it to produce to depletion the estimated 5 Bcf of remaining recoverable reserves underlying the platform at the Grand Isle Block 82 field complex. O & G Futures also requests approval of its application under the shortened procedures and waives its right to formal hearing.

Any person desiring to be heard or to make any protest with reference to said petition should on or before April 25, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-11564 Filed 4-20-77;8:45 am]

[Docket No. ID-1582]

PAUL H. MEHRTENS

Application

APRIL 12, 1977.

Take notice that on March 25, 1977, Paul H. Mehrtens, Applicant, filed an application pursuant to section 305(b) to hold the following positions:

Position, name of corporation, and classification

Exec. Vice President, The Connecticut Light and Power Company, Public Utility.
Exec. Vice President, The Hartford Electric Light Company, Public Utility.
Exec. Vice President, Western Massachusetts Electric Company, Public Utility.
Exec. Vice President, Holyoke Water Power Company, Public Utility.
Exec. Vice President, Holyoke Power and Electric Company, Public Utility.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 5, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-11557; Filed 4-20-77;8:45 am]

[Docket No. ER77-280]

PUBLIC SERVICE COMPANY OF NEW MEXICO

Supplement to Interconnection Agreement

APRIL 13, 1977.

Take notice that on April 5, 1977, Public Service Company of New Mexico (PNM) tendered for filing a supplement to an Interconnection Agreement (des-

ignated as PNM Rate Schedule FPC No. 17) with Utah Power and Light Company (UPL). The supplement is in the form of a Service Schedule C-1 providing for the furnishing of surplus electric power and energy by PNM to UPL at the parties' point of interconnection at the Four Corners Generating Station near Farmington, New Mexico. PNM states that the Service Schedule is to become effective as of March 1, 1977, subject to FPC approval and has, therefore, requested a waiver of the notice requirements. PNM further states that the proposed rate for the contract period has been agreed upon by the parties and that copies of the filing have been mailed to UPL and to the New Mexico Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 27, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-11549 Filed 4-20-77;8:45 am]

[Docket No. ER77-279]

PUBLIC SERVICE COMPANY OF NEW MEXICO

Extension of Agreement for Service

APRIL 13, 1977.

Take notice that on April 5, 1977, Public Service Company of New Mexico (PNM) tendered for filing an agreement modifying Rate Schedule FPC No. 24, which provides power transmission service for the State of Nevada, Division of Colorado River Resources (DCRR).

PNM states that the amendment was negotiated primarily to conform the agreement to FPC No. 33, to remove ambiguity in existing documents and update the regulatory language and additionally, the amendment provides an estimate of surplus energy available for DCRR apart from any capacity made available by the United States Bureau of Reclamation. This amendment was executed February 10, 1977, by the State of Nevada to be made effective as of October 1, 1976, subject to FPC approval. PNM, therefore, requests the Commission to waive its notice requirements and permit the extension of the original agreement between PNM and DCRR to become effective October 1, 1976.

PNM states that the proposed amendment for service has been agreed upon by the parties and that copies of the filing have been mailed to DCRR and the New Mexico Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 27, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-11552 Filed 4-20-77;8:45 am]

[Project No. 943]

PUBLIC UTILITY DISTRICT NO. 1 OF CHELAN COUNTY, WASHINGTON

Extension of Time

APRIL 12, 1977.

On March 21, 1977, Public Utility District No. 1 of Chelan County, Washington, Licensee for the Rock Island Project, FPC No. 943, filed a motion for an extension of time to file its revised application for approval of an exhibit R. The motion states that on March 16, 1977, the Licensee's elected Board rejected three alternate Exhibits R and directed its staff to prepare a new Exhibit R. Licensee requests an additional 120 days to complete this task.

Responses opposing the requested extension of time were submitted by the Community Development Council of the Greater Wenatchee, Washington, area; the Board of Chelan County Commissioners; and Mr. John C. Grover, Mayor of the City of Wenatchee. A response to the motion was also filed on April 5, 1977, by the Commission Staff. In its response Staff states that "it would be futile to process an Exhibit R which the Licensee may not support nor be able to implement, if approved."

Upon consideration, notice is hereby given that an extension of time is granted to and including August 1, 1977, within which Licensee shall file a revised application for approval of an Exhibit R for Project No. 943. If the Licensee fails to comply in that time, the matter may be referred to the Commission, and the provisions of section 315(a) and section 316 of the Federal Power Act may be invoked.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-11553 Filed 4-20-77;8:45 am]

[Docket No. CS75-489]

R. CLAY UNDERWOOD

Petition for Waiver

APRIL 13, 1977.

Take notice that R. Clay Underwood (Applicant), Suite 420 Oil & Gas Building, Wichita Falls, Texas, filed a petition for waiver of § 157.40(c) of the Commission's regulations of practice and procedure.

Applicant states that insofar that he may make any sales of gas produced from properties acquired from large producers, he will abide by the provisions of the general area rate orders and will not charge in excess of rates permitted to be charged by large producers under the provisions of said orders.

Any persons desiring to be heard or to make any protest with reference to said petition should on or before May 3, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-11561 Filed 4-20-77;8:45 am]

[Docket No. CP77-286]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Amendment to Application

APRIL 14, 1977.

Take notice that on April 7, 1977, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP77-286 an amendment to its application filed in said docket pursuant to section 7(c) of the Natural Gas Act and § 2.79 of the Commission's General Policy and Interpretations (18 CFR 2.79) by which amendment Transco proposes to provide a transportation service for Dan River, Inc. (Dan River) at a rate of 45.8 cents per Dekatherm (Dth), all as more fully set forth in the amendment on file with the Commission and open to public inspection.

In its initial application dated March 8, 1977, Transco proposes to transport up to 1,300 Mcf of natural gas per day on an interruptible basis for a term of two years for Dan River. It is stated that such gas would be delivered to United Gas Pipe Line Company, which would in turn deliver equivalent quantities to Transco at a mutually agreeable existing authorized exchange point, and Transco would redeliver such quantities to the City of Danville, Virginia, and Piedmont Natural Gas Company, Inc., for the account of Dan River.

Transco initially proposed a transportation charge of 21.55 cents per Dth and proposed to retain 3.8 percent of the volumes received as makeup for compressor fuel and line loss. Transco proposes to amend its application so as to

charge 45.8 cents per Dth for all volumes received for the account of Dan River.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before April 25, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. Persons who have heretofore filed petitions to intervene, notices of intervention, or protests need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-11563 Filed 4-20-77;8:45 am]

[Docket No. CP77-334]

TRUNKLINE GAS CO.

Application

APRIL 13, 1977.

Take notice that on April 6, 1977, Trunkline Gas Company (Applicant), P.O. Box 1642, Houston, Texas, 77001, filed in Docket No. CP77-334 an application pursuant to section 7(c) of the Natural Gas Act and the regulations thereunder for a certificate of public convenience and necessity authorizing the transportation of natural gas on behalf of Gulf Energy and Minerals Company (Gulf), and for a temporary certificate therefor, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes transportation on a best-efforts interruptible basis of up to 100,000 Mcf per day between South Timbalier Block 151, Offshore Louisiana, and certain points of redelivery in Allen, Beauregard and LaSalle Parishes, Louisiana, all pursuant to an agreement between Gulf and Applicant dated February 11, 1977. The service would be performed while Gulf completes the looping of its gathering system in Block 151 and would terminate on the completion thereof or on October 1, 1977, whichever is earlier.

Any person desiring to be heard or to make any protest with reference to said application, on or before May 3, 1977, should file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-11560 Filed 4-20-77; 8:45 am]

[Docket No. E-9147 (Phase II)]

VIRGINIA ELECTRIC AND POWER CO.

Further Extension of Time

APRIL 13, 1977.

On April 1, 1977, ElectriCities of North Carolina filed a motion to further extend the procedural dates, as most recently modified by notice issued February 2, 1977, in the above-designated proceeding. The motion states that all parties have been contacted, and there are no objections.

Notice is hereby given that the procedural dates are further extended as follows:

Service of Intervenor, Testimony, May 19, 1977.
Service of Staff, Testimony, June 20, 1977.
Service of Company, Rebuttal, July 5, 1977.
Service of Intervenor, Rebuttal, July 25, 1977.
Hearing, August 2, 1977.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-11559 Filed 4-20-77;8:45 am]

[Docket No. E77-71]

EMERGENCY NATURAL GAS ACT OF 1977

Supplemental Emergency Order

By order issued March 24, 1977, pursuant to section 6 of the Emergency Natural Gas Act of 1977 (Act), Pub. L. 95-2 (91 Stat. 4 (1977)), the application of Columbia Gas Transmission Corporation (Columbia) to purchase up to 16,000 Mcfd of natural gas from Wainoco Oil Corporation (Wainoco) and others on whose behalf Wainoco is selling (Wainoco Group) and from Exchange Oil & Gas Corporation (Exchange) attributable to their interests in certain wells in the Ocean View Field, Southern Louisiana, was denied without prejudice.

On April 5, 1977, Columbia filed a petition for reconsideration of the March 24 order. Columbia's petition sets forth no new facts or other information which requires reconsideration of that order. Columbia has failed to demonstrate that the sellers relied upon Columbia's offer to purchase to their detriment or that additional monies, that would otherwise not have been spent, were spent to make the sale to Columbia. A demonstration to that effect might justify approval of the proposed purchase. Cf. El Paso Natural Gas Company, Docket No. E77-53 (April 14, 1977).

This order is issued pursuant to the authority delegated to me by the President in Executive Order No. 11969 (February 2, 1977), and shall be served upon Columbia, Columbia Gulf, and Wainoco and Exchange. This order shall also be published in the FEDERAL REGISTER.

This order is subject to the continuing authority of the Administrator under Pub. L. 95-2 and the rules and regulations which may be issued thereunder.

RICHARD L. DUNHAM,
Administrator.

APRIL 15, 1977.

[FR Doc.77-11534 Filed 4-20-77;8:45 am]

[Docket No. E77-79]

EMERGENCY NATURAL GAS ACT OF 1977

Supplemental Emergency Order

By order issued March 28, 1977, pursuant to section 6 of the Emergency Natural Gas Act of 1977 (Act), Pub. L. 95-2 (91 Stat. 4 (1977)), Transwestern Pipeline Company (Transwestern) was authorized to continue an emergency purchase of natural gas pursuant to Section 6 from Inexco Oil Company (Inexco) notwithstanding Order No. 6.

On April 14, 1977, Inexco filed an application for a supplemental order. Inexco requests that Transwestern be authorized to purchase the volumes which were not delivered between March 16, 1977, when Transwestern terminated deliveries, and March 28, 1977, when Transwestern was authorized to continue the purchase.

The March 28, 1977 order authorized Transwestern to continue the purchase from Inexco. That order encompasses the right to make-up volumes not delivered during the time Transwestern undertook to determine its eligibility to continue the purchase under Order No. 6. Based on the foregoing, Inexco's petition for a supplemental order is granted.

This order is issued pursuant to the authority delegated to me by the President in Executive Order No. 11969 (February 2, 1977), and shall be served upon Inexco, Transwestern, Colorado Interstate Gas Company and Cities Service Gas Company. This order shall also be published in the FEDERAL REGISTER.

This order and authorization granted herein are subject to the continuing authority of the Administrator under Pub.

L. 95-2 and the rules and regulations which may be issued thereunder.

RICHARD L. DUNHAM,
Administrator

APRIL 15, 1977.

[FR Doc.77-11535 Filed 4-20-77;8:45 am]

[Docket No. AR70-1]

AREA RATE PROCEEDING (PERMIAN BASIN AREA (II))

Order Directing Disbursement and Flow-Through of Refunds

APRIL 12, 1977.

On August 7, 1973, the Commission issued its Opinion and Order No. 662 establishing just and reasonable rates for jurisdictional sales of natural gas produced in the Permian Basin Area. Pursuant to Ordering Paragraph (G) of Opinion No. 662, each producer owing refunds was required to file with the Commission a refund report showing the amounts required to be refunded and the amount of interest thereon. Pursuant to Ordering Paragraph (H) of the Opinion, those producers who did not elect to discharge their refund obligations through credits to be received for the dedication of new reserves in accordance with Ordering Paragraph (I) were directed to retain their refunds pending further order of the Commission.

We now require those producers who made no election, or who elected to make refunds in cash, to disburse their refund monies.

To date, none of the refund obligations under Opinion No. 662 has been discharged by reserve dedication. It seems clear in light of Opinion Nos. 699, 749, and 770, as amended, the provisions pertaining to price and the waiver of refund credits, that the producers may not make any reserve dedications pursuant to Opinion No. 662, and will thus have refund obligations remaining when the time expires on January 1, 1978, for discharging refunds by reserve dedications. We therefore believe it is reasonable to permit producers to change their previous election if they so desire. Producers changing their election shall pay interest at the rate of 7 percent per annum from the date of filing the refund report pursuant to Opinion No. 662, to the date of payment. This is the same rate of interest prescribed in Opinion No. 662 to be paid on undischarged refund obligations outstanding as of January 1, 1978.

In order to insure the orderly administration and review of the refunds to be made pursuant to this order, we shall require that all refunds and revised elections made by working interest owners whose gas was sold under the rate schedule of another producer be coordinated with and reported by the producer under whose rate schedule the sale was made.

Once the refunds have been disbursed to the respective purchasers, the purchasers shall flow the refunds through to their jurisdictional customers; *Provided, however*, That purchasers shall not be required to flow-through those refunds, if any, as to which they may assert a claim of entitlement under the terms of prior rate settlement agreements approved by the Commission.

The Commission finds: It is necessary and proper in the public interest and in carrying out the provisions of the Natural Gas Act that the refunds subject to this order be disbursed and flowed-through as hereinafter ordered.

The Commission orders: (A) On or before July 11, 1977, each producer owing refunds under Commission Opinion No. 662 and who did not elect to discharge his refund obligation through additional reserve dedications, shall (1) file three copies of a final refund report showing for each rate schedule and each docket separately the amounts required to be refunded, the interest thereon under Ordering Paragraph (G) of Opinion No. 662, and the additional interest under Ordering Paragraph (H) of that opinion; (2) disburse all of the refunds to the purchaser; and (3) file three copies of a release from the purchaser.

(B) On or before July 11, 1977, each producer who wishes to change his previous election to discharge his refund obligation by reserve dedications pursuant to Opinion No. 662, and to instead discharge his refund obligation by immediate payment, shall (1) file three copies of a final refund report showing for each rate schedule and each docket separately the amounts required to be refunded, the interest thereon under Ordering Paragraph (G) of Opinion No. 662, and the additional interest required pursuant to this order of 7 percent per annum from the date of filing the refund report pursuant to Opinion No. 662 to the date of payment of the refunds; (2) disburse all of the refunds to the purchaser; and (3) file three copies of a release from the purchaser.

(C) All refunds and reports made pursuant to Ordering Paragraphs (A) and (B) above shall be coordinated with and reported by the producer under whose rate schedule the sale was made.

(D) On or before September 12, 1977, each purchaser shall submit three copies of a plan for the flow-through of the refunds herein ordered to be disbursed and any refunds previously disbursed by Permian Basin producers and presently being retained by the purchaser, applicable to jurisdictional sales, indicating the amount payable to each jurisdictional customer, the basis used to compute the amount payable, the periods involved, and applicable docket numbers. Copies of the flow-through plans shall be served on each of the purchaser's jurisdictional customers and upon interested state regulatory commissions.

(E) Upon notification by the Secretary, and to the extent directed thereby, purchasers shall proceed with the distribution of refunds to their jurisdictional customers.

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-11627 Filed 4-20-77;8:45 am]

[Docket No. R-425]

AREA RATE PROCEEDING (ROCKY MOUNTAIN AREA)

Order Directing Disbursement and Flow-Through of Refunds

APRIL 12, 1977.

On April 11, 1973, the Commission issued its Opinion and Order No. 658, establishing just and reasonable rates for jurisdictional sales of natural gas produced in the Rocky Mountain Area. Pursuant to Ordering Paragraph (B) of Opinion No. 658, each producer owing refunds was required to file with the Commission a refund report showing the amounts required to be refunded and the amount of interest thereon. Pursuant to Ordering Paragraph (C) of the opinion, producers were required to make an election, either to deposit their refunds in an escrow account or to retain their refunds pending further order of the Commission. We now require those producers owing refunds to disburse their refunds monies inclusive of interest, plus interest as provided for in Ordering Paragraph (C) of Opinion No. 658.

For the reasons set forth in Opinion No. 658 we did not dispose of the refund issue there. The refundable amounts shown in the refund reports filed with the Commission are small amounting to only $218,000. We do not think it would be appropriate here to permit these refunds to be discharged by additional dedication in the light of the action taken by us in Opinion Nos. 699, 749, and 770 requiring waiver of refund credits. Nor is there adequate justification for relieving the producers of their refund obligations.

In order to insure the orderly administration and review of the refunds to be made pursuant to this order, we shall require that all refunds made by working interest owners whose gas was sold under the rate schedule of another producer be coordinated with and reported by the producer under whose rate schedule the sale was made.

Once the refunds have been disbursed to the respective purchasers, the purchasers shall flow the refunds through to their jurisdictional customers; *Provided, however*, That purchasers shall not be required to flow-through those refunds, if any, as to which they may assert a claim of entitlement under the terms of prior rate settlement agreements approved by the Commission.

The Commission finds: It is necessary and proper in the public interest and in carrying out the provisions of the Natural Gas Act that the refunds subject to this order be disbursed and flowed-through as hereinafter ordered.

The Commission orders: (A) On or before July 11, 1977 each producer owing refunds under Commission Opinion No. 658 shall (1) file three copies of a final refund report showing for each rate schedule and each docket separately the amounts required to be refunded, the interest thereon under Ordering Paragraph (B) of Opinion No. 658, and the additional interest under Ordering Paragraph (C) of that opinion; (2) disburse all of the refunds to the purchaser and

(3) file three copies of a release from the purchaser.

(B) All refunds and reports made pursuant to Ordering Paragraph (A) above shall be coordinated with and reported by the producer under whose rate schedule the sale was made.

(C) On or before September 12, 1977, each purchaser shall submit three copies of a plan for the flow-through of the refunds herein ordered to be disbursed and any refunds previously disbursed by Rocky Mountain producers and presently being retained by the purchaser, applicable to jurisdictional sales, indicating the amount payable to each jurisdictional customer, the basis used to compute the amount payable, the periods involved, and the applicable docket numbers. Copies of the flow-through plans shall be served on each of the purchaser's jurisdictional customers and upon interested state regulatory commissions.

(D) Upon notification by the Secretary, and to the extent directed thereby, purchasers shall proceed with the distribution of refunds to their jurisdictional customers.

(E) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-11626 Filed 4-20-77;8:45 am]

FEDERAL RESERVE SYSTEM

AMERICAN GENERAL INSURANCE CO.

Order Amending Prior Board Order With Regard to Divestiture of Shares of Texas Commerce Bancshares, Inc.

By Order of April 11, 1972,[1] the Board determined that American General Insurance Company ("American General"), Houston, Texas, had ceased to be a bank holding company for purposes of the Bank Holding Company Act of 1956, as amended ("Act"). The Board's determination was conditioned upon American General exchanging all voting shares of Texas Commerce Bancshares, Inc. ("TCB"), Houston, Texas, then held by American General for a new class of shares of TCB that, while held by American General would be nonvoting. The determination was further conditioned upon American General's fulfilling four commitments enumerated in the Board's order. American General committed to divest itself by January 1, 1981, of all nonvoting shares of TCB and to accomplish said divestiture through a public offering underwritten by investment bankers under an agreement that no purchaser either directly or indirectly would acquire at the sale shares aggregating more than 2 percent of the then outstanding common stock of TCB. American General has exchanged its voting shares of TCB for nonvoting shares.

American General has now requested that the Board modify its Order to permit American General to divest itself of the nonvoting TCB shares through dividend distributions to American General's common stock shareholders at a rate of not less than one TCB share for every 100 shares of American General common stock held. American General has fulfilled the other conditions of the Board's Order and there is no evidence indicating that American General has sought to exercise a controlling influence over TCB. American General's common stock is widely held, and it appears that no shareholder of American General would receive shares of TCB aggregating more than 2 percent of the outstanding common stock of TCB.[2]

On the basis of the facts of record, the Board concludes that approval of American General's request is consistent with the purposes of the Act the Board sought to accomplish in its Order of April 11, 1972. Accordingly, the Board's Order of April 11, 1972, is hereby amended to permit American General to divest its interest in TCB through dividend distributions to the common stock shareholders of American General. This amendment is subject to the following conditions:

(1) American General will not hold any voting or nonvoting TCB shares on January 1, 1981.

(2) American General will dispose of any TCB shares received by its subsidiaries or other shareholders directly or indirectly under its control within three months of receipt of said shares.

The Board's action herein is subject to amendment, revocation, or nullification by the Board should it conclude that American General at any time exercises or has attempted to exercise control or a controlling influence over TCB or any of its subsidiaries.

By order of the Board of Governors,[3] effective April 14, 1977.

RUTH A. REISTER,
Assistant Secretary of the Board.

[FR Doc.77-11511 Filed 4-20-77;8:45 am]

CENTRAL WISCONSIN BANKSHARES, INC.

Order Approving Acquisition of Bank

Central Wisconsin Bankshares, Inc., Wausau, Wisconsin, a bank holding company within the meaning of the Bank Holding Company Act, as applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 77 percent or more of the voting shares of Eagle River State Bank, Eagle River, Wisconsin ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and this Reserve Bank has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the 11th largest banking organization in Wisconsin, controls two banking subsidiaries and one nonbank subsidiary with aggregate deposits of approximately $148.3 million,[1] representing 1.0 percent of the total deposits in commercial banks in the State. Acquisition of Bank by Applicant would increase Applicant's share of State deposits by less than one-tenth of one percent and would not alter Applicant's rank among State banking organizations. Approval of the subject application would not result in a significant increase in the concentration of banking resources in Wisconsin.

Bank holds deposits of approximately $11.9 million, representing 8.6 percent of the total deposits in commercial banks in the Vilas-Oneida banking market,[2] and ranks as the sixth largest of eight banks headquartered in the market. Both of Applicant's banking subsidiaries are located over 80 road miles south of Bank's location, in separate and noncontiguous banking markets. In view of the distance involved and because current Wisconsin branching law precludes either Bank or Applicant's two banking subsidiaries from establishing offices within the other's market areas, consummation of the proposal would not eliminate any significant amount of existing or probable future competition. Moreover, due to the sparsely populated nature of Bank's market area it does not appear likely that Applicant would enter that market de novo. Therefore, it is concluded that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future propects of Applicant, its bank and nonbank subsidiaries, and Bank are generally satisfactory, particularly in view of Applicant's commitment to inject $500,000 into the equity capital of Bank upon approval of this application. Thus, banking factors are consistent with approval of the application.

Area banking needs are believed adequately served at present, and Applicant has not proposed any major changes in Bank's current operations. However, Applicant has proposed to add additional capital to Bank, make trust services available to the community via Applicant's nonbank trust subbsidiary, and provide Bank with financial and man-

[1] 58 Federal Reserve Bulletin 487 (1972).

[2] Certain American General subsidiaries and employee and agent benefit plans hold shares of American General's common stock. American General has indicated that those subsidiaries and benefit plans would promptly resell pursuant to Rule 144 of the Securities and Exchange Commission all shares of TCB stock received in connection with the dividend distributions.

[3] Voting for this action: Vice Chairman Gardner and Governors Wallich, Coldwell, Jackson, and Partee. Absent and not voting: Chairman Burns and Governor Lilly.

[1] All banking data are as of December 31, 1975.

[2] The Vilas-Oneida banking market, the relevant geographic market for purposes of analyzing the competitive effects of the subject proposal, is approximated by all Vilas and Oneida Counties, Wisconsin.

agerial counseling, computer services and training programs. On balance, considerations relating to the convenience and needs of the community to be served are viewed as being consistent with approval. It is this Reserve Bank's judgment that the transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this order, or (b) later than three months after the effective date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Chicago, pursuant to delegated authority.

By order of the Federal Reserve Bank of Chicago, acting pursuant to delegated authority for the Board of Governors of the Federal Reserve System, effective April 7, 1977.

ROBERT P. MAYO,
President.

[FR Doc.77-11520 Filed 4-20-77;8:45 am]

CHEMICAL FINANCIAL CORP.

Order Approving Acquisition of Bank

Chemical Financial Corporation, Midland, Michigan, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares of the successor by consolidation to Gladwin County Bank, Beaverton, Michigan ("Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with 3(b) of the Act. The time for filing comments has expired, and the Board has considered the application and all comments received in light of the factors set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the 22nd largest banking organization in the State of Michigan, controls two banks with aggregate deposits of $162.7 million, representing 0.6 per cent of total deposits in commercial banks in the State.[1] Acquisition of Bank with deposits of $11.9 million would increase Applicant's share of commercial bank deposits in Michigan by 0.04 per cent, but would not have an appreciable effect upon the concentration of banking resources in the State.

[1] Unless otherwise indicated, all banking data are as of December 31, 1975.

Bank is the 10th largest of 13 banking organizations in the relevant market,[2] and on June 30, 1975 held deposits of $11.5 million, representing 1.1 percent of the total deposits of commercial banks in the market. Applicant with one subsidiary bank in the market is the fourth largest banking organization in the relevant banking market, and on June 30, 1975 controlled aggregate deposits of $121 million representing 11.6 percent of market deposits. Consummation of the proposed transaction would not alter Applicant's rank in the market. While consummation of the proposal will eliminate some existing competition inasmuch as Applicant and Bank operate in the same market, the effect of consummation on existing competition would not be substantial.[3] Accordingly, the Board concludes that the proposed acquisition of Bank by Applicant would not have significantly adverse effects on competition.

The financial and managerial resources of Applicant, its subsidiaries, and Bank are regarded as satisfactory and their future prospects appear favorable. Accordingly, considerations relating to banking factors are consistent with approval of the application. Following consummation of the transaction, Applicant intends to improve existing operations and offer new services to Bank's customers. These considerations relating to convenience and needs of the community to be served do not appear to be substantial but they do lend some weight toward approval of the application, and in the Board's view, outweigh any slightly adverse effects on competition that might result from consummation of this proposal. Accordingly, it is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this order or (b) later than three months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,[4] effective April 14, 1977.

RUTH A. REISTER,
Assistant Secretary of the Board.

[FR Doc.77-11512 Filed 4-20-77;8:45 am]

[2] The relevant banking market is approximated by Bay, Midland, and Gladwin Counties and the northern three-quarters of Saginaw County.

[3] On January 28, 1971, the Board denied a proposed merger between Applicant's lead bank and Bank on competitive grounds (57 Fed. Res. Bull. 128 (1971)). In 1970 Applicant's lead bank and Bank ranked first and fourth, respectively, among five banks in a market that was approximated by the southern one-half of Gladwin County and the northern and central portion of Midland County. However, commuting, bank branching, growth, and advertising media data indicate that competitive conditions have changed so that the 1970 market has become integrated into a larger metropolitan area that includes Bay and most of Saginaw Counties.

CROWN BANCSHARES, INC.

Formation of Bank Holding Company

Crown Bancshares, Incorporated, Hammond, Indiana, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 90 percent or more of the voting shares of The First National Bank of Crown Point, Crown Point, Indiana. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 17, 1977.

Board of Governors of the Federal Reserve System, April 15, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-11592 Filed 4-20-77;8:45 am]

GLEN-AN CORP.

Order Denying Formation of Bank Holding Company

Glen-An Corporation, Kanaranzi, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through the acquisition of 95.6 percent of the voting shares of Farmers State Bank of Kanaranzi, Kanaranzi, Minnesota ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is a nonoperating corporation recently organized for the purpose of becoming a bank holding company through the acquisition of Bank. Upon acquisition of Bank, Applicant would hold approximately .02 percent of the

[4] Voting for this action: Vice Chairman Gardner and Governors Wallich, Coldwell, Jackson and Partee. Absent and not voting: Chairman Burns and Governor Lilly.

total deposits in commercial banks in Minnesota.[1] Bank (deposits of approximately $3.4 million) is the seventh largest of eight banking organizations operating in the relevant banking market[2] and holds 5.4 percent of the total deposits in commercial banks in the market. The two banks in the relevant banking market located nearest to Bank are in Luverne, approximately 12 road miles from Kanaranzi. Inasmuch as the subject proposal represents a restructuring of existing ownership interests in Bank from individuals to a corporation owned by the same individuals, consummation of the proposal herein would not have any significant adverse effect upon either existing or potential competition within the relevant banking market. Accordingly, the Board concludes that competitive considerations are consistent with approval of the application.

The Board has indicated on a number of previous occasions that it believes a bank holding company should serve as a source of both financial and managerial strength to its subsidiary bank(s). Accordingly, in acting upon any application under the Act, the Board will closely examine the financial condition, managerial resources, and future prospects of an applicant and its subsidiary bank(s) with these factors in mind. Based upon an evaluation of such factors with respect to this application, the Board has determined that denial of the application is warranted.

With respect to the financial resources and future prospects associated with this application, the Board is concerned with the high level of debt that would result in connection with the consummation of this proposal. Applicant proposes to incur a debt of $187,690 and to service the debt over a twelve-year period, entirely through dividends from Bank. However, based on the record of Bank's historical earning ability, it is questionable whether Applicant will be able to retire this amount of debt while at the same time permitting Bank to retain earnings sufficient for capital purposes. Accordingly, the Board is of the view that Applicant's proposal, as presently structured, does not provide Applicant with the financial flexibility necessary to service its debt, maintain Bank's capital at acceptable levels, and provide for any unforeseen problems that might arise at Bank. Therefore, the Board views the level of debt to be incurred by Applicant as a significantly adverse factor in the consideration of this proposal and finds that the considerations relating to financial resources and future prospects weigh against approval of the application.

It is not anticipated that Applicant's management would take an active role in the management of Bank. Accordingly, managerial factors lend no weight toward approval of the application.

There is no evidence in the record to indicate that the convenience and needs of the community are not being adequately served by Bank. Therefore, within the context of this application, these considerations are not sufficient to outweigh the adverse banking factors associated with this application.

On the basis of all the circumstances concerning this application, the Board concludes that the banking considerations involved in this proposal present adverse factors bearing upon the financial resources and future prospects of both Applicant and Bank. Such adverse factors are not outweighed by any procompetitive effects or by benefits that would result in serving the convenience and needs of the community. Accordingly, it is the Board's judgment that approval of the application would not be in the public interest and that the application should be, and hereby is, denied for the reasons summarized above.

By order of the Board of Governors,[3] effective April 15, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-11617 Filed 4-20-77;8:45 am]

GUARANTY BANCSHARES CORP.

Formation of Bank Holding Company

Guaranty Bancshares Corporation, Kansas City, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 96.03 percent of the voting shares of Guaranty State Bank & Trust, Kansas City, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 17, 1977.

Board of Governors of the Federal Reserve System, April 15, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-11593 Filed 4-20-77;8:45 am]

PREFERRED MANAGEMENT CO.

Formation of Bank Holding Company

Preferred Management Company, Omaha, Nebraska, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 60 percent of the voting shares of North Side Bank, Omaha, Nebraska. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Preferred Management Company, Omaha, Nebraska, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to continue to engage in the sale of decreasing term life insurance directly related to extensions of credit and credit accident and health disability insurance, and property damage insurance directly related to extensions of credit made by North Side Bank, Omaha, Nebraska. Notice of the application was published on February 26, 1977, in The Omaha World-Herald, a newspaper circulated in Omaha, Nebraska. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than May 13, 1977.

Board of Governors of the Federal Reserve System, April 15, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-11618 Filed 4-20-77;8:45 am]

[Docket No. TCR 76-107(b)]

REPUBLIC OF TEXAS CORP.

Prior Certification Under the Bank Holding Company Tax Act of 1976

Republic of Texas Corporation, Dallas, Texas ("Republic") has requested a prior certification pursuant to section 6158(a) of the Internal Revenue Code (the "Code"), as amended by § 3(a) of the Bank Holding Company Tax Act of 1976 (the "Tax Act"), that the proposed sale by The Howard Corporation ("Howard"), a subsidiary of Republic, of the Uptown Shopping Center, Shreveport, Louisiana

[1] Unless otherwise indicated, all banking data are as of December 31, 1975.

[2] The relevant market is approximated by Rock County and the southwestern corner of Pipestone County.

[3] Voting for this action: Chairman Burns and Governors Gardner, Wallich, Jackson, Partee, and Lilly. Absent and not voting: Governor Coldwell.

("Uptown") is necessary or appropriate to effectuate section 4 of the Bank Holding Company Act (12 U.S.C. 1843 et seq.) ("BHC Act"). Howard proposes to sell Uptown to Hexalon B.V., a Netherland corporation ("Hexalon"). As consideration, Hexalon will assume the payment of the unpaid balances totalling $3,075,000 owed by Howard on two notes dated May 26, 1966, to Lincoln National Life Insurance Company.

In connection with this request, the following information is deemed relevant for purposes of issuing the requested certification: [1]

1. On July 7, 1970, Republic National Bank of Dallas ("Old Republic Bank"), a national banking association, indirectly controlled 29.9 percent of the outstanding voting shares of Oak Cliff Bank and Trust Company, Dallas, Texas ("Oak Cliff Bank").

2. On July 7, 1970, Old Republic Bank indirectly controlled, through Howard, a trusteed affiliate, property the disposition of which would be necessary or appropriate to effectuate section 4 of the BHC Act if Old Republic Bank were to continue to be a bank holding company beyond December 331, 1980, which property is "prohibited property" within the meaning of section 1103(c) of the Code.

3. Old Republic Bank became a bank holding company on December 31, 1970, as a result of the 1970 Amendments to the BHC Act, by virtue of its indirect control at that time of more than 25 percent of the outstanding voting shares of Oak Cliff Bank, and it registered as such with the Board on September 24, 1971.

4. Republic is a corporation that was organized under the laws of the State of Delaware on July 12, 1972, for the purpose of effecting the reorganization of Old Republic Bank into a subsidiary of Republic.

5. On September 10, 1973, the Board ruled that in the event Republic were to become a bank holding company through the acquisition of the successor by merger to Old Republic Bank, Republic would not be regarded as a "successor" to Old Republic as defined in section 2(e) of the BHC Act for the purposes of section 2(a)(6) of the BHC Act, or as a "company covered in 1970," as that term is defined in the BHC Act, and that Republic was not entitled to the benefit of any grandfather privileges that Old Republic Bank may have possessed pursuant to the proviso in section 4(a)(2) of the BHC Act.

6. By Order dated October 25, 1973, the Board approved Republic's application under section 3(a)(1) of the BHC Act to become a bank holding company through the acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to Old Republic Bank and the indirect acquisition of control of 29.9 percent of the voting shares of Oak Cliff Bank. Pursuant to the provisions of section 4(a)(2) of the BHC Act, Republic was required by that order to divest itself, within two years from the date as of which it would become a bank holding company, of the impermissible nonbanking interests that would be directly or indirectly controlled by the successor by merger to Old Republic Bank, including such impermissible interests held by Howard.

7. On May 9, 1974, in a transaction described in section 368(a)(1)(A) and section 368(a)(2)(D) of the Code, Old Republic Bank was merged into the present Republic National Bank of Dallas ("New Republic Bank"), a national banking association which was a wholly-owned subsidiary (except for directors' qualifying shares) of Republic. New Republic Bank thereby acquired substantially all of the properties of Old Republic Bank and Republic thereupon became a bank holding company. By virtue of two one-year extensions granted by the Board, Republic presently has until May 9, 1978, to complete the divestitures required by the Board's Order of October 25, 1973.

8. As part of the same transaction by which Republic became a bank holding company, in a transaction to which section 351 of the Code applied, Republic acquired beneficial interests in the shares of Howard held by trustees for the benefit of shareholders of New Republic Bank, which shares are shares described in section 2(g)(2) of the BHC Act.

9. Uptown was acquired by Howard on May 26, 1966, and is a part of the property of Howard in which Republic acquired a beneficial interest pursuant to section 2(g)(2) of the BHC Act.

On the basis of the foregoing information, it is hereby certified that:

(A) Prior to May 9, 1974, Old Republic Bank was a "qualified bank holding corporation," within the meaning of subsection (b) of section 1103 of the Code, and satisfied the requirements of that subsection.

(B) New Republic Bank is a corporation that acquired substantially all of the properties of a qualified bank holding corporation, and as such is treated as a qualified bank holding corporation for the purposes of section 6158 of the Code, pursuant to section 3(d) of the Tax Act.

(C) Republic is a corporation in control (within the meaning of section 2(a)(2) of the BHC Act) of New Republic Bank, and as such is treated as a qualived bank holding corporation for the purposes of section 6158 of the Code, pursuant to section 3(d) of the Tax Act.

(D) Howard is a subsidiary (within the meaning of section 2(d) of the BHC Act) of Republic, and as such it treated as a qualified bank holding corporation for the purposes of section 6158 of the Code, pursuant to section 3(d) of the Tax Act.

(E) Uptown is "prohibited property" for the purposes of section 6158 of the Code; and

(F) the sale of Uptown is necessary or appropriate to effectuate section 4 of the BHC Act.

This certification is based upon the representations made to the Board by Republic and upon the facts set forth above. In the event the Board should hereafter determine that facts material to this certification are otherwise than as represented by Republic, or that Republic has failed to disclose to the Board other material facts, it may revoke this certification.

By order of the Board of Governors acting through its General Counsel, pursuant to delegated authority (12 CFR 265.2(B)(3)), effective April 15, 1977.

RUTH A. REISTER,
Assistant Secretary of the Board.

[FR Doc.77-11619 Filed 4-20-77;8:45 am]

[1] This information derives from Republic's correspondence with the Board concerning its request for this certification, Republic's Registration Statement filed with the Board pursuant to the BHC Act as well as the Registration Statement of Republic National Bank and other records of the Board.

[H. 2, 1977 No. 14]

ACTIONS OF THE BOARD

Applications and Reports Received During the Week Ending April 2, 1977

ACTIONS OF THE BOARD

Statement by Charles J. Partee, before the Subcommittee on Domestic Monetary Policy of the House Committee on banking, Finance and Urban Affairs on the implications of U.S. Treasury financing requirements for monetary policy.

Statement by David M. Lilly, before the Subcommittee on Economic Stabilization of the House Banking, Finance and Urban Affairs Committee regarding Federal Government loan guarantees.

System-wide program designed to improve compliance by member banks with consumer credit protection laws and regulations.

Interpretations of Regulation C, Home Mortgage Disclosure, the first interpretation permits a depository subsidiary as a distinct, unaffiliated entity for disclosure purposes; the second interpretation clarifies the disclosure requirements after a depository institution's loss of exemption (Docket No. R-0092).

Pooled time deposits, the Board announced it has determined not to adopt at this time a regulatory proposal to prohibit member banks from paying interest on pooled time deposits of $100,000 or more at a rate above Regulation Q ceilings.

Interpretation of Regulation Z, stating that the amount of a dealer's participation in the finance charge on the credit purchase of an automobile or other durable goods need not be disclosed as a separate part of the finance charge (Docket No. R-0053).

First Financial National Bank of Tampa, Hillsborough County, Florida, proposed merger with First National Bank of Florida, Tampa, Florida; issuance of order.

Banks of Iowa, Inc., Cedar Rapids, Iowa, extension of time to July 18, 1977, within which to acquire 80 percent or more of the voting shares of First Trust & Savings Bank, Davenport, Iowa.[1]

First Okmulgee Corporation, Okmulgee, Oklahoma, extension of time to June 30, 1977, within which to consummate the acquisition of The First National Bank & Trust Company, Okmulgee, Oklahoma.[1]

U.S. Bancorp, Portland, Oregon, extension of time to April 26, 1978, within which to acquire all the shares of Bancorp Investments, Limited, London, England.[1]

Arkansas Bank and Trust Company, Hot Springs, Arkansas, to make an additional investment in bank premises.[1]

Walker Bank & Trust Company, Salt Lake City, Utah, extension of time to November 13, 1977, within which to establish a branch in the vicinity of 7800 South 1700 West Jordan, Salt Lake City, Utah.[1]

First National Bank of Mexico, Mexico, New York, proposed merger with The National Bank of Northern New York, Watertown, New York; report to the Comptroller of the Currency on competitive factors.[1]

Second National Bank of Lakeland, Lakeland, Florida, proposed merger with First National Bank of Lakeland, Lakeland, Florida; report to the Comptroller of the Currency on competitive factors.[1]

United Jersey Bank/Ridgewood, Ridgewood, New Jersey, proposed merger with Peoples Bank, Montvale, New Jersey; report to the Federal Deposit Insurance Corporation on competitive factors.[1]

APPROVED

Valley Bank of Nevada, Las Vegas, Nevada. Branch to be established on the South East Corner of Moana Land and Kietzke Lane, Reno.[2]

* * * * *

Thirty Day Notice of Intention to Establish an Additional Branch of a Member Bank in a Foreign Country.

APPROVED

Continental Illinois Bank & Trust Company of Chicago: re—Branch—additional in Dusseldorf, Federal Republic of Germany.

* * * * *

International Investments and Other Actions Pursuant to Sections 25 and 25(a) of the Federal Reserve Act and Sections 4(c)(9) and 4(c)(13) of the Bank Holding Company Act of 1956, as amended.

APPROVED

Citibank Overseas Investment Corporation: re—Investment—additional in FNCB-Waltons Corporation Limited, Sydney, Australia, in order to maintain its current 50 percent interest.

Irving International Financing Corporation: re—Investment—additional in Australian International Finance Corporation, Melbourne, Australia.

Fidelity Bank: re—Removal of Standard Subsidiary conditions: re—Banque De La Mediterranee, S.A.L., Lebanon and Banque De La Mediterranee (France) S.A.

To Form a Bank Holding Company Pursuant to Section 3(a)(1) of the Bank Holding Company Act of 1956.

APPROVED

Madelia Bancshares, Inc., Madelia, Minnesota, for approval to acquire 80 percent of the voting shares of Farmers State Bank of Madelia, Incorporated, Madelia, Minnesota.[2]

* * * * *

To Expand a Bank Holding Company Pursuant to Section 3(a)(3) of the Bank Holding Company Act of 1956.

WITHDRAWN

Florida Coast Banks, Inc., Pompano Beach, Florida, for approval to acquire 100 percent of the voting shares of Bank of Cutler Ridge, Cutler Ridge, Florida.

Florida Coast Banks, Inc., Pompano Beach, Florida, for approval to acquire 100 percent of the voting shares of Bank of Perrine, Perrine, Florida.

APPROVED

Trust Company of Georgia, Atlanta, Georgia, for approval to acquire 100 percent of the voting shares (less director's qualifying shares) of the successor by merger to The First National Bank of Brunswick, Brunswick, Georgia.

Texas Commerce Bankcshares, Inc., Houston, Texas, for approval to acquire 100 percent of the voting shares (less director's qualifying shares) of the successor by merger to Southern Bank and Trust Company, Garland, Texas.

The Sumitomo Bank, Limited, Osaka, Japan, for approval to acquire additional voting shares of Central Pacific Bank, Honolulu, Hawaii.

DENIED

Commerce Bancshares, Inc., Kansas City, Missouri, for approval to acquire 51.96 percent of the voting shares of Farmers State Bank, St. Joseph, Missouri, St. Joseph, Missouri.

To expand a Bank Holding Company Pursuant to Section 4(c)(8) of the Bank Holding Company Act of 1956.

WITHDRAWN

Citicorp, New York, New York, notification of intent to engage in de novo activities (operating as an industrial loan company pursuant to the Utah Industrial Loan Law issuing thrift passbook certificates; if this proposal is effected, the establishment will also be known as Citicorp Person-to-Person Financial Center of Utah) at University Mall, Suite C-52, Orem, Utah, through its subsidiary, Nationwide Financial Services Corporation, presently operating as Citicorp Person-to-Person Financial Center (March 29, 1977).[2]

Citicorp, New York, New York, notification of intent to engage in de nova activities (operating as an industrial loan company pursuant to the Utah Industrial Loan Law issuing thrift certificates and thrift passbook certificates; if this proposal is effected, the establishment will also be known as Citicorp Person-to-Person Financial Center of Utah) at 432 Main Street, Vernal, Utah, through its subsidiary, Nationwide Financial Services Corporation, presently operating as Citicorp Person-to-Person Financial Center (March 29, 1977).[2]

DELAYED

Fulton National Corporation, Atlanta, Georgia, notification of intent to engage in de nova activities (the sale of insurance directly related to extensions of credit including property and liability insurance, credit life/accident and health insurance, and homeowners and fire and extended coverage insurance) at 55 Marietta Street N.W., Atlanta, Georgia (March 29, 1977).[2]

PERMITTED

Colonial Bancorp, Inc., Waterbury, Connecticut, notification of intent to engage in de nova activities (making extensions of credit to individuals and corporations to finance payment of casualty, liability and other insurance premiums to process, service, collect, and provide other support services with respect to such extensions of credit to finance insurance premiums to carry on administrative activities with respect to the internal administration of said subsidiary other than those covered under the previous two) at 129 Church Street, New Haven, Connecticut, through a subsidiary, Policy Advancing Corp. (April 2, 1977).[2]

Northeast Bankshare Association, Lewiston, Maine, notification of intent to engage in de novo activities (the marketing of automated payroll accounting, correspondent banking accounting services, check reconciliation and receivables accounting as well as electronic funds transfer services, and incidental to these activities the sale of express computer processing time) at 35 Ash Street, Lewiston, Maine and 2 State Street, Bangor, Maine, through a subsidiary, Northeast Data Processing Corp. (April 1, 1977).[2]

Chemical New York Corporation, New York, New York, notification of intent to relocate de novo activities (leasing real and personal property and equipment on a nonoperating, full payout basis and acting as agent, broker, and adviser with respect to such leases; financing real and personal property and equipment such as would be done by commercial finance company; and servicing such extensions of credit) from 1111 West Mockingbird Lane, Suite 910, Dallas, Texas to 2775 Villa Creek Drive, Dallas, Texas, through its subsidiary, ChemLease, Inc. (March 26, 1977).[2]

Citicorp, New York, New York, notification of intent to relocate de novo activities (making of consumer installment personal loans, purchasing consumer installment sales finance contracts; and acting as broker for the sale of consumer credit related life/accident and health insurance and consumer credit related property and casualty insurance; if this proposal is effected, Nationwide Financial Corporation of Nevada will offer to sell insurance as follows: group credit life/accident and health insurance to cover the outstanding balances of loans to borrowers in the event of their death, or, to make the contractual monthly payments on the loans in the event of the borrowers' disability; individual physical damage insurance on personal property subject to security agreements including liability only when such insurance is sold as part of an insurance package on such property; further, in regard to the sale of credit related insurance, Nationwide Financial Corporation of Nevada will not act as a general insurance agency) from 390 N. Virginia Street, Reno, Nevada to 151 North Rock Boulevard, Sparks, Nevada, through its subsidiary, Nationwide Financial Service Corporation and its subsidiary, Nationwide Financial Corporation of Nevada (March 29, 1977).[2]

Midlantic Banks, Inc., West Orange, New Jersey, notification of intent to relocate de novo activities (making or acquiring, for its own account or for the account of others, loans and other extensions of credit such as a factoring company; leasing personal property and equipment on a full payout basis or acting as agent, broker, or adviser in the leasing thereof; and servicing loans and other extensions of credit for any person) from 2 Broad Street, Bloomfield, New Jersey to 400 Broad Acres Drive, Bloomfield, New Jersey, through its subsidiary, Midlantic Commercial Co. (April 1, 1967).[2]

New Jersey National Corporation, Trenton, New Jersey, notification of intent to engage in de novo activities (selling credit life/accident and health insurance related to the mortgage lending and mortgage loan servicing business of Underwood Mortgage and Title Company) at 1150 Springfield Avenue, Irvington, New Jersey, through its subsidiary, Underwood Mortgage and Title Company (March 27, 1977).[2]

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[1] Application processed on behalf of the Board of Governors under delegated authority.

[2] Application processed by the Reserve Bank on behalf of the Board of Governors under delegated authority.

[2] 4(c)(8) and 4(c)(12) notifications processed by Reserve Bank on behalf of the Board of Governors under delegated authority.

Philadelphia National Corporation, Philadelphia, Pennsylvania, notification of intent to engage in de novo activities (making installment loans for personal, family, and household purposes; purchasing sales finance contracts executed in connection with the sale of personal, family, and household goods or services; selling credit life insurance, including joint life insurance and credit accident and health insurance in connection with certain installment loans made and sales finance contracts purchased and reinsuring such insurance through Patrick Henry Life Insurance Company and Patrick Henry Insurance Company, indirect subsidiaries of Philadelphia National Corporation; and generally engaging in the business of a consumer finance company) at Millcreek Shopping Center, 4565 Kirkwood Highway, Wilmington, Delaware, through a newly formed indirect subsidiary, Signal Finance of Wilmington, Inc. (March 27, 1977).[3]

First & Merchants Corporation, Richmond, Virginia, notification of intent to engage in de novo activities (leasing of personal property and equipment, or acting as agent, broker, or adviser in leasing such property; term financing using conditional sales contracts as security agreements; and making or acquiring, loans or participations in loans or other extensions of credit including construction loans and other mortgage loans on residential, multifamily and commercial real estate) at Raleigh and Durham, North Carolina, through its subsidiary, Equitable Leasing Corporation (March 31, 1977).[3]

First & Merchants Corporation, Richmond, Virginia, notification of intent to engage in de novo activities (making mortgage loans principally secured by second mortgages on residential and commercial real estate and such other incidental activities as may be necessary to the business of making such loans; including acting as agent for the sale of credit life, credit disability, mortgage redemption, and mortgage cancellation insurance in connection with the making of such loans) at 150 Tri-County Parkway, Suite 105, Cincinnati, Ohio, through its subsidiary, First Realty Mortgage Corporation, d.b.a. First & Merchants Mortgage Corporation (March 31, 1977).[3]

Sun Banks of Florida, Inc., Orlando, Florida, notification of intent to engage in de novo activities (providing bookkeeping or data processing services for the internal operations of the holding company and its subsidiaries and storing and processing other banking, financial, or related economic data such as performing payroll, accounts receivable or payable, or billing services) at 211 East Silver Springs Boulevard, Ocala, 7007 NW. 77th Avenue, Miami, and 825 Broadway, Dunedin, all located in Florida, through a subsidiary, Sunbank Data Corporation (March 30, 1977).[3]

Sun Banks of Florida, Inc., Orlando, Florida, notification of intent to engage in de novo activities (the business of acting as agent or broker for the sale of credit life/accident and health insurance directly related to extensions of credit by the bank holding company and/or its banking and nonbanking subsidiaries) at 15 West Church Street, Orlando, Florida, through a subsidiary, Sunbank Agency, Inc. (April 2, 1977).[3]

Michigan National Corporation, Bloomfield Hills, Michigan, notification of intent to engage in de novo activities (leasing personal property and equipment or acting as agent, broker, or adviser in leasing of such property where at the inception of the initial lease the expectation is that the effect of the transaction and reasonably anticipated future transactions with the same lessee as to the same property will be to compensate the lessor for not less than the lessor's full investment in the property plus the estimated total cost of financing the property over the term of the lease; leasing real property or acting as agent, broker, or adviser in leasing of such property where at the inception of the initial lease the expectation is that the effect of the transaction will be to compensate the lessor for not less than the lessor's full investment in the property over the term of the lease; financing personal property and equipment by making or acquiring, for its own account or for the account of others, loans and other extensions of credit including accepting drafts such as would be made by a finance company) at 38200 W. Ten Mile Road, Farmington Hills, Michigan and 77 Monroe Street, N.W., Grand Rapids, Michigan, through its subsidiary, MNC Leasing Co. (March 28, 1977).[3]

Nortrust Corporation, Chicago, Illinois, notification of intent to engage in de novo activities (performing or carrying on any one or more functions or activities that may be performed or carried on by a trust company including activities of a fiduciary, agency or custodian nature and acting as investment or financial adviser in the manner authorized by State law but without power to accept deposits or make commercial loans) at 1390 Main Street, Sarasota, Florida, through its subsidiary, Security Trust Company of Sarasota, N.A. (March 31, 1977).[3]

BankAmerica Corporation, San Francisco, California, notification of intent to relocate de novo activities (making loans and extending credit and providing services incident to such loans and extensions of credit such as would be made or provided by a finance company including, but not be limited to, making consumer installment loans and purchasing installment sales finance contracts and making loans to small businesses and extensions of credit secured by personal property; FinanceAmerica Mortgage Services Inc. will engage in making loans secured by real property; both corporations will act as agent or broker for the sale of credit related life, credit related accident and disability insurance and credit related property insurance in connection with extensions of credit by FinanceAmerica Corporation and FinanceAmerica Mortgage Services Inc.) from 144 Sunset Avenue to 1501 North Fayetteville Street, Ashboro, North Carolina, through its indirect subsidiaries, FinanceAmerica Corporation (a North Carolina Corporation) and FinanceAmerica Mortgage Services Inc. (a New Hampshire Corporation), subsidiaries of FinanceAmerica Corporation (3/28/-77).[3]

* * * * *

To Expand a Bank Holding Company Pursuant to Section 4(c)(12) of the Bank Holding Company Act of 1956.

WITHDRAWN

Heights Finance Corporation, Peoria, Illinois, notification of intent to acquire all of the direct loan and sales finance receivables of Montgomery County Loan Company, Hillsboro, Illinois (3/29/77).[3]

PERMITTED

Warner Communications Inc., New York, New York, notification of intent to acquire not less than 80 percent and possibly up to 100 percent of the capital stock of the following three corporations: Real Estate Maintenance, Inc., Maintenance, Inc., and Imperial Elevator Company, all located in Philadelphia, Pennsylvania, through its subsidiary, National Kinney Corp. (3/31/-77).[3]

Applications Received

To Establish a Domestic Branch Pursuant to Section 9 of the Federal Reserve Act.

Salamanca Trust Company, Salamanca, New York. Branch to be established at 54 Washington Street, Elicottville.

Security Bank and Trust Company, Southgate, Michigan. Branch to be established in the vicinity of Canton Center and Warren Roads, Canton Township, Wayne County.

Elliot State Bank, Jacksonville, Illinois. Branch to be established at West Morton Street, Jacksonville, Morgan County.

* * * * *

To Form a Bank Holding Company Pursuant to Section 3(a)(1) of the Bank Holding Company Act of 1956.

The Hinsdale Capital Corporation, Chicago, Illinois, for approval to acquire 80 per cent or more of the voting shares of The First National Bank of Hinsdale, Hinsdale, Illinois.

Security Bancshares, Inc., Shenandoah, Iowa, for approval to acquire 84.39 per cent of the voting shares of The Security Trust and Savings Bank, Shenandoah, Iowa.

Maryville Bancshares, Inc., Kansas City, Missouri, for approval to acquire 94 per cent or more of the voting shares of Citizens State Bank of Maryville, Maryville, Missouri.

Omaha State Corporation, Omaha, Nebraska, for approval to acquire 100 per cent (less directors' qualifying shares) of the voting shares of Omaha State Bank, Omaha, Nebraska.

* * * * *

To Expand a Bank Holding Company Pursuant to Section 3(a)(3) of the Bank Holding Company Act of 1956.

Republic of Texas Corporation, Dallas, Texas, for approval to acquire 100 per cent of the voting shares (less director's qualifying shares) of Midway National Bank of Grand Prairie, Grand Prairie, Texas.

To Expand a Bank Holding Company Pursuant to Section 4(c)(8) of the Bank Holding Company Act of 1956.

Mellon National Corporation, Pittsburgh, Pennsylvania, notification of intent to relocate de novo activities (making or acquiring, for its own account secured and unsecured loans and other extensions of credit such as would be made by a finance company which activities include making direct consumer installment loans and purchasing consumer installment sales finance contracts; providing credit life and credit accident and health insurance in conjunction with the above lending activities, such insurance will be provided only in connection with extensions of credit by Local Loan Co. and its wholly-owned subsidiaries and will be available solely at the option of the borrower and the borrower is advised of this option in advance) from 210 West 7th Street, Los Angeles, California to 410 A North Brand Boulevard, Glendale, California, through its wholly-owned subsidiary, Local Loan Co., Chicago, Illinois (3/30/77).[3]

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[3] 4(c)(8) and 4(c)(12) notifications processed by Reserve Bank on behalf of the Board of Governors under delegated authority.

Mellon National Corporation, Pittsburgh, Pennsylvania, notification of intent to relocate de novo activities (making or acquiring, for its own account secured and unsecured loans and other extensions of credit such as would be made by a finance company which activities include making direct consumer installment sales finance contracts; providing credit life and credit accident and health insurance in conjunction with the above lending activities, such insurance will be provided only in connection with extensions of credit by Marlo Financial Fund and its wholly-owned subsidiaries and will be available solely at the option of the borrower and the borrower is advised of this option in advance) from 210 West 7th Street, Los Angeles, California to 410 A North Brand Boulevard, Glendale, California, through its wholly-owned subsidiary, Marlo Financial Fund (3/30/77).[3]

Merchants National Corporation, Indianapolis, Indiana, notification of intent to relocate de novo activities (leasing of capital goods and equipment to industry, banks, or others or acting as agent, broker, or adviser in leasing such personal property where at the inception of the initial lease the effect of the transaction will yield a return that will compensate the lessor for not less than the lessor's full investment in the property plus the estimated total cost of financing the property over the term of the lease) from 3625 N. 16th Street, Phoenix, Arizona to 7806 North 27th Avenue, Phoenix, Arizona, through its subsidiary, Pacific American Leasing Corp. (3/25/77).[3]

BankAmerica Corporation, San Francisco, California, notification of intent to engage in de novo activities (making and acquiring, for its own account loans and other extensions of credit such as would be made or acquired by a finance company and servicing loans and other extensions of credit; such activities will include, but not be limited to, making loans and other extensions of credit to small businesses and making loans secured by personal property; acting as agent or broker for the sale of credit related life and credit related accident and disability insurance in connection with extensions of credit made or acquired by FinanceAmerica Corporation; in addition, FinanceAmerica Corporation, doing business under the fictitious name, FinanceAmerica Mortgage Services Company, proposes to engage in the activity of making and acquiring, for its own account loans and other extensions of credit such as would be made or acquired by a finance company and servicing loans and other extensions of credit; such activities will include, but not be limited to, making loans and other extensions of credit to small businesses and making loans secured by real property; acting as agent or broker for the sale of credit related life and credit related accident and disability insurance in connection with the extensions of credit made or acquired by FinanceAmerica Corporation, doing business under the fictitious name, FinanceAmerica Mortgage Services Company) at 6021 West Broad Street Road, Richmond, Virginia, through its indirect subsidiary, FinanceAmerica Corporation (a Virginia Corporation), d/b/a FinanceAmerica Mortgage Services Company, a direct subsidiary of FinanceAmerica Corporation (3/25/77).[3]

[3] 4(c)(8) and 4(c)(12) notifications processed by Reserve Bank on behalf of the Board of Governors under delegated authority.

To Expand a Bank Holding Company Pursuant to Section 4(c)(12) of the Bank Holding Company Act of 1956.

Berkshire Hathway Inc., New Bedford, Massachusetts, notification of intent to acquire more than 5 per cent of Purolator, Inc., Rahway, New Jersey, a courier, armored car and armed guard service, and automotive replacement product distributor (3/31/77).[3]

* * * * *

REPORTS RECEIVED

Current Report Filed Pursuant to Section 13 of the Securities Exchange Act.

Beaver Trust Company, Beaver, Pennsylvania.

* * * * *

PETITIONS FOR RULEMAKING

None.

Board of Governors of the Federal Reserve System; April 15, 1977.

RUTH A. REISTER,
Assistant Secretary of the Board.

[FR Doc.77-11513 Filed 4-21-77;8:45 am]

FEDERAL TRADE COMMISSION

[File No. 762 3106]

MEN'S WEAR INTERNATIONAL, INC., ET AL.

Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Request for comment on consent agreement.

SUMMARY: This provisional consent agreement contains an order, which if finally issued, would require a New York City importer and distributor of clothing to cease misrepresenting the wool and other fiber content of its wool blend clothing. Further, the order would require the respondent to notify all purchasers of its misbranded products that the clothing purchased had been misbranded.

DATE: Comments must be received on or before June 10, 1977.

ADDRESS: Comment should be directed to: Office of the Secretary, Federal Trade Commission, 6th and Pennsylvania Avenue, NW., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT:

Richard A. Givens, Regional Director, FTC New York Regional Office, 2243-EB Federal Building, 26 Federal Plaza, New York, N.Y. 10007; 212-264-1207.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the FTC Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's rules of practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and provisionally accepted by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's rules of practice (16 CFR 4.9(b)(14)).

The Federal Trade Commission having initiated an investigation of certain acts and practices of Men's Wear International, Inc., a corporation, and Leon Rich and Frank Heineman, individually and as officers of said corporation, hereinafter sometimes referred to as proposed respondents, and it now appearing that proposed respondents are willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated;

It is hereby agreed by and between Men's Wear International, Inc., and by its duly authorized officer, and Leon Rich and Frank Heineman, individually and as officers of said corporation, and counsel for the Federal Trade Commission that:

1. Proposed respondent, Men's Wear International, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of New York, with its office and principal place of business located at 350 Fifth Avenue, New York, New York 10001.

Proposed respondents Leon Rich and Frank Heineman are officers of said corporation. They formulate, direct and control the policies, acts and practices of said corporation, and their address is the same as that of said corporation.

2. Proposed respondents admit all the jurisdictional facts set forth in the draft of the complaint here attached.

3. Proposed respondents waive:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

4. This agreement shall not become a part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, it, together with the draft of complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released; and such acceptance may be withdrawn by the Commission if comments or views submitted to the Commission disclose facts or considerations which indicate that the order contained in the agreement is inappropriate, improper, or inadequate.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondents that the law has been violated as alleged in the draft of complaint here attached.

6. This agreement contemplates that if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's rules, the Commission may, without further notice to proposed respondents, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Mailing of the complaint and decision containing the agree-to-order to proposed respondents' address as stated in this agreement shall constitute service. Proposed respondents waive any right they may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondents have read the proposed complaint and order contemplated hereby, and they understand that once the order has been issued, they will be required to file one or more compliance reports, showing that they have fully complied with the order, and that they may be liable for a civil penalty in the amount provided by law for each violation of the order after it becomes final.

ORDER

It is ordered, That respondents Men's Wear International, Inc., a corporation, its successors and assigns, and its officers, and Leon Rich and Frank Heineman, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporation, subsidiary, division or any other device, in connection with the introduction, or manufacture for introduction, into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment or shipment, in commerce, of wool products as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely and deceptively stamping, tagging, labeling or otherwise identifying such products.

2. Failing to securely affix to, or place on, each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

3. Placing nonrequired information on stamps, tags, labels, or other identification affixed to such products that is in any way false, deceptive or misleading.

It is further ordered, That respondents notify by registered mail each of their customers that purchased the wool products which gave rise to this complaint of the fact that government tests have shown such products were misbranded.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That each individual respondent named herein promptly notify the Commission of each change in business or employment status, which includes discontinuance of his present business or employment, for ten (10) years following the effective date of this order. Such notice shall include respondent's current business address and a description of the business or employment in which he is engaged as well as a description of his duties and responsibilities. The expiration of the notice provisions of this paragraph shall not affect any other obligations arising under this order.

It is further ordered, That the respondents herein shall within (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

[File No. 762 3106]

MEN'S WEAR INTERNATIONAL, INC.

ANALYSIS OF PROPOSED CONSENT ORDER TO AID PUBLIC COMMENT

The Federal Trade Commission has accepted an agreement to a proposed consent order from Men's Wear International, Inc., and Leon Rich and Frank Heineman, officers of the company.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by the public. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

Men's Wear International, Inc., is a New York corporation and is an importer and distributor of clothing. Frank Heineman is President and Leon Rich is the Secretary of the corporation. They control and are responsible for its acts and practices.

The complaint alleges that the corporation imported wool blend clothing falsely represented to be composed of a substantially greater percentage of woolen fibers than were present therein and sold the clothing with labels misrepresenting the wool content.

The consent order in this matter prohibits Men's Wear International, Inc., and Frank Heineman and Leon Rich from misrepresenting the wool and other fiber content of their wool blend clothing and requires that they notify their customers that the clothing that they have purchased was misbranded.

The order is generally designed to prevent deception as to the wool content of clothing and to protect the corporation's competitors from unfair competition.

The purpose of this analysis is to facilitate public comment on the proposed order and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

JOHN F. DUGAN,
Acting Secretary.

[FR Doc.77-11584 Filed 4-20-77; 8:45 am]

[File No. 771 0028]

MINNESOTA STATE MEDICAL ASSOCIATION, ET AL.

Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Request for Comment.

SUMMARY: This provisional consent order requires a St. Paul, Minn., medical association and its component societies, among other things to cease publishing, distributing or contributing to the development of relative value scales and monetary conversion factors which tend to establish prices or otherwise influence fees for medical and surgical services. Further, respondents are required to withdraw such material which has already been published or circulated, and to send copies of the complaint and order to their member societies.

DATE: Comments must be received on or before June 20, 1977.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th and Pennsylvania Avenue NW., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT:

Owen M. Johnson, Jr., Director, Bureau of Competition, Federal Trade Commission, 6th and Pennsylvania Avenue NW., Washington, D.C. 20580, 202-523-3601.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's rules of practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and provisionally accepted by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in ac-

cordance with § 4.9(b)(14) of the Commission's rules of practice (16 CFR 4.9(b)(14)).

[File No. 771 0028]

MINNESOTA STATE MEDICAL ASSOCIATION, ET AL.

AGREEMENT CONTAINING CONSENT ORDER TO CEASE AND DESIST

In the matter of Minnesota State Medical Association, a corporation; and Clay-Becker County Medical Society, the Freeborn County Medical Society, Headwaters Medical Society, Hennepin County Medical Society, McLeod County Medical Society, Minnesota Southwestern Medical Society (d/b/a Blue Earth County Medical Society), Ramsey County Medical Society, Scott-Carver County Medical Society, Stearns-Benton County Medical Society, Steele County Medical Society, Upper Mississippi Medical Society, Wabasha County Medical Society, Winona County Medical Society, Inc., corporations; and Blue Earth Valley Medical Society, Brown County Medical Society, Camp Release District Medical Society, East Central Minnesota Medical Society, Goodhue County Medical Society, Lyon-Lincoln County Medical Society, Mid Minnesota Medical Society, Mower County Medical Society, Nicollet-Le Sueur County Medical Society, Park Region District and County Medical Society, Range Medical Society, Red River Valley Medical Society, Rice County Medical Society, St. Louis County Medical Society, Sibley County Medical Society, Southwestern Minnesota Medical Society, Wakota Medical Society, Waseca County Medical Society, West Central Medical Society, Wright County Medical Society, Zumbro Valley Medical Society, unincorporated associations.

The Federal Trade Commission having initiated an investigation of certain activities of the Minnesota State Medical Association ("MSMA"), a corporation, and of the component medical societies chartered by MSMA ("component societies"), as named in the caption hereof, and MSMA and the component societies having determined that they no longer desire to continue such activities and being willing to enter into an agreement to cease and desist from said activities;

It is hereby agreed by and between the Minnesota State Medical Association and the component societies, by their duly authorized officers and their attorneys, and counsel for the Federal Trade Commission that:

1. MSMA is a corporation organized, existing and doing business under and by virtue of the laws of the State of Minnesota, with its principal office located at 101 East Fifth Street, St. Paul, Minnesota 55101.

2. The component societies as listed and further described below are corporations and unincorporated associations chartered by MSMA on a county or district basis.

Respondent, Clay-Becker County Medical Society, is a corporation organized, existing and doing business under and by virtue of the laws of the State of Minnesota, with its principal office located at 124 E. Frazee Street, Detroit Lakes, Minnesota 56501.

Respondent, The Freeborn County Medical Society, is a corporation organized, existing and doing business under and by virtue of the laws of the State of Minnesota, with its principal office located at 210 N. St. Mary, Albert Lea, Minnesota 56007.

Respondent, Headquarters Medical Society, is a corporation organized, existing and doing business under and by virtue of the laws of the State of Minnesota, with its principal office located at Bemidji Clinic, Ltd., Bemidji, Minnesota 56601.

Respondent, Hennepin County Medical Society, is a corporation organized, existing and doing business under and by virtue of the laws of the State of Minnesota, with its principal office located at 20 S. Washington Avenue, Minneapolis, Minnesota 55401.

Respondent, McLeod County Medical Society, is a corporation organized, existing and doing business under and by virtue of the laws of the State of Minnesota, with its principal office located at 126 N. Franklin, Hutchinson, Minnesota 55350.

Respondent, Minnesota Southwestern Medical Society (d/b/a Blue Earth County Medical Society), is a coporation organized, existing and doing business under and by virtue of the laws of the State of Minnesota, with its principal office located at Box 589, Lake Crystal, Minnesota 56055.

Respondent, Ramsey County Medical Society, is a corporation organized, existing and doing business under and by virtue of the laws of the State of Minnesota, with its principal office located at 3220 Bellaire Avenue, White Bear Lake, Minnesota 55110.

Respondent, Scott-Carver County Medical Society, is a corporation organized, existing and doing business under and by virtue of the laws of the State of Minnesota, with its principal office located at Shakopee Medical Center, Shakopee, Minnesota 55329.

Respondent, Stearns-Benton County Medical Society, is a corporation organized, existing and doing business under and by virtue of the laws of the State of Minnesota, with its principal office located at Doctors' Park, St. Cloud, Minnesota 56301.

Respondent, Steele County Medical Society, is a corporation organized, existing and doing business under and by virtue of the laws of the State of Minnesota, with its principal office located at 920 S. Cedar, Owatonna, Minnesota 55060.

Respondent, Upper Mississippi Medical Society, is a corporation organized, existing and doing business under and by virtue of the laws of the State of Minnesota, with its principal office located at 302 3rd Avenue NE., Little Falls, Minnesota 56345.

Respondent, Wabasha County Medical Society, is a corporation organized, existing and doing business under and by virtue of the laws of the State of Minnesota, with its principal office located at Community Clinic, Wabasha, Minnesota 55981.

Respondent, Winona County Medical Society, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Minnesota, with its principal office located at Winona Clinic, Winona, Minnesota 55987.

Respondent, Blue Earth Valley Medical Society, is an unincorporated association having its principal office at 117 W. 5th Street, Blue Earth, Minnesota 56013.

Respondent, Brown County Medical Society, is an unincorporated association having its principal office at New Ulm Medical Clinic, New Ulm, Minnesota 56073.

Respondent, Camp Release District Medical Society, is an unincorporated association having its principal office at Dawson Clinic, Dawson, Minnesota 56232.

Respondent, East Central Minnesota Medical Society, is an unincorporated association having its principal office at Chisago Lakes Medical Center, Chisago City, Minnesota 55013.

Respondent, Goodhue County Medical Society, is an unincorporated association having its principal office at Interstate Clinic, Red Wing, Minnesota 55066.

Respondent, Lyon-Lincoln County Medical Society, is an unincorporated association having its principal office at 508 E. College Drive, Marshall, Minnesota 56258.

Respondent, Mid Minnesota Medical Society, is an unincorporated association having its principal office at Willmar Medical Center, 101 Willmar Avenue, Willmar, Minnesota 56201.

Respondent, Mower County Medical Society, is an unincorporated association having its principal office at Suite 115, 100 Building, Austin, Minnesota 55912.

Respondent, Nicollet-Le Sueur County Medical Society, is an unincorporated association having its principal office at 622 Sunrise Drive, St. Peter, Minnesota 56082.

Respondent, Park Region District and County Medical Society, is an unincorporated association having its principal office at 615 S. Mill, Fergus Falls, Minnesota 56537.

Respondent, Range Medical Society, is an unincorporated association with its principal office located at 429 3rd Street, International Falls, Minnesota 56649.

Respondent, Red River Valley Medical Society, is an unincorporated association with its principal office at R.R. No. 2, Box 72, E. Grand Forks, Minnesota 58721.

Respondent, Rice County Medical Society, is an unincorporated association with its principal office at 924 NE., First Street, Faribault, Minnesota 55021.

Respondent, St. Louis County Medical Society, is an unincorporated association with its principal office at 302 Medical Arts Building, Duluth, Minnesota 55802.

Respondent, Sibley County Medical Society, is an unincorporated association

with its principal office at Arlington Clinic, Arlington, Minnesota 55307.

Respondent, Southwestern Minnesota Medical Society, is an unincorporated association with its principal office at 215 N. Cedar, Luverne, Minnesota 56156.

Respondent, Wakota Medical Society, is an unincorporated association with its principal office at 305 S. Greeley St., Stillwater, Minnesota 55082.

Respondent, Waseca County Medical Society, is an unincorporated association with its principal office at 312 N. Main, Janesville, Minnesota 56048.

Respondent, West Central Minnesota Medical Society, is an unincorporated association with its principal office at 23 Montana, Morris, Minnesota 56267.

Respondent, Wright County Medical Society, is an unincorporated association with its principal office at 207 First Street S., Buffalo, Minnesota 55313.

Respondent, Zumbro Valley Medical Society, is an unincorporated association with its principal office at Olmsted Medical Group, Rochester, Minnesota 55901.

3. Only for the purpose of this proceeding, and for compliance and enforcement proceedings under the order contemplated hereby, MSMA and the component societies individually and severally admit all the jurisdictional allegations set forth in the draft of the complaint here attached and waive:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

4. This agreement shall not become a part of the official record of this proceeding unless and until it is accepted by the Commission. The Commission may (1) accept the agreement; (2) reject it and issue a complaint for adjudication; or (3) take such other action as it may deem appropriate. If this agreement is accepted, the Commission will place said agreement on the public record, and at the same time will make available an explanation of the provisions of the order and the relief to be obtained thereby and any other information which it deems helpful in assisting interested persons to understand the terms of the order. For a period of sixty (60) days after placement of the order on the public record and issuance of the statement, the Commission will receive and consider any comments or views concerning the order that may be filed by any interested persons. Thereafter, if comments or views submitted to the Commission disclose facts or considerations which indicate that the order contained in the agreement is inappropriate, improper, or inadequate, the Commission may withdraw its acceptance of this agreement and so notify MSMA and the component societies, in which event the Commission will take such other action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require), and decision, in disposition of the proceedings.

5. This agreement is for settlement purposes only and does not constitute an admission by MSMA or any of the component societies that the law has been violated as alleged in the draft of complaint here attached.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's rules, the Commission may, without further notice to MSMA or any of the component societies, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached, and its decision containing the following order to cease and desist in disposition of the proceeding, and (2) make information public in respect thereto. When so issued, the order to cease and desist shall have the same force and effect as, and may be altered, modified, or set aside in the same manner and within the same time as provided by the statute for other orders. The order shall become final upon service. Mailing of the complaint and decision containing the agreed-to order to MSMA and the component societies at the addresses stated in this agreement shall constitute service. MSMA and the component societies waive any right they may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation or interpretation not contained in the order or this agreement may be used to vary or contradict the terms of the order.

7. MSMA and each of the component societies has read the proposed complaint and order contemplated hereby and understands that once the order has been issued, MSMA and each of the component societies will be required to file one or more compliance reports showing that it has fully complied with the order, and that it may be liable for a civil penalty in the amount provided by then-existing law for each violation of the order after it becomes final.

8. Nothing in this agreement shall affect any complaint of order which the Commission may issue with respect to MSMA or any one or more of the component societies if this agreement is not accepted by the Commission.

ORDER

I

A. The term "relative value scale" means any list, compilation, or schedule which sets forth comparative numerical values for procedures performed and/or services rendered by physicans and other health care practitioners, without regard to whether those values are expressed in monetary or nonmonetary terms.

B. The term "conversion factor" means any monetary value multiplier used or intended to be used to convert monetary values in a relative value scale to monetary fees.

C. The term "MSMA" means the Minnesota State Medical Association.

D. The term "component society" means a county or district medical society chartered by MSMA.

E. The term "effective date of this order" means the date of service of this order.

II

It is ordered, That MSMA and each of the component societies, the successors, or assigns, and the officers, agents, representatives and employees of each of them, directly or through any corporation, subsidiary, division or other device, shall:

A. Cease and desist from directly or indirectly initiating, originating, developing, publishing, or circulating the whole or any part of any proposed or existing relative value scale(s);

B. Cease and desist from directly or indirectly advising in favor of or against the use of, or contributing to the whole or any part of any proposed or existing relative value scale(s);

C. Cease and desist from directly or indirectly initiating, originating, developing, publishing, circulating, adopting, contributing to, recomending, suggesting, or advising in favor of or against the use of, any and all conversion factors applicable or prospectively applicable to the whole or any part of any existing or proposed relative value scale(s); and

D. Permanently cancel, repeal, abrogate, and withdraw any and all relative value scales and conversion factors which any of them has heretofore initiated, originated, developed, published, circulated, adopted, advised in favor of, recommended, suggested, or contributed to.

Provided, however, That nothing contained in this order shall prohibit MSMA or any component society, or any officer, agent, representative, or employee of MSMA or any component society from furnishing testimony to any government body, committee, or instrumentality, or from furnishing to any third party or government body, committee, or instrumentality such information as may be requested; to the extent, however, that such information or testimony may bear directly or indirectly on compensation levels for procedures performed and/or services rendered by physicians and other health care practitioners, it shall be limited to historical data, free of editing or interpretation, and shall be completely described as to methodology; and

Provided further, That nothing contained in this order shall prohibit MSMA or any component society from initiating, originating, developing, publishing, circulating, adopting, contributing to, recommending, suggesting, or advising in favor of or against the use of any list or compilation of standardized terminology describing procedures performed and/or services rendered by physicians and other health care practitioners, so long as such list or compilation does not

directly or indirectly set forth absolute or comparative numerical values for any such procedures or services.

III

It is further ordered, That MSMA shall, within thirty (30) days after the effective date of this order, distribute by mail a copy of the Commission's complaint and order in this matter, as well as a letter, in the form shown as Appendix "A" to this order, to each of its members (except service active members and associate active members) and to each other recipient known to it of any edition or version of the Minnesota Relative Value Index, instructing such members and recipients to return to MSMA all copies of the Minnesota Relative Value Index in their possession, including all supplements, addenda, and additions thereto.

IV

It is further ordered, That, subsequent to the effective date of this order, MSMA shall not charter any component society or other medical society unless the charter of such component society or other medical society incorporates in substance the prohibitions and requirements contained in Paragraph II of this order.

V

It is further ordered, That MSMA and each component society shall notify the Commission at least thirty (30) days prior to any proposed change in its organization which might affect compliance obligations under this order, such as, but not limited to, dissolution, the emergence of a successor corporation, association, or society, and the creation and/or dissolution of component societies.

VI

It is further ordered, That MSMA and each component society shall, within sixty (60) days after the effective date of this order, file with the Commission a written report showing in detail the manner and form of its compliance with each of the provisions of the order.

VII

Nothing in this order shall be construed to exempt MSMA or any component society from complying with the antitrust laws or the Federal Trade Commission Act. The fact that any activity is not prohibited by this order shall not bar a challenge to it under such laws.

APPENDIX A

(MSMA LETTERHEAD)

TO: MSMA members and recipients of the Minnesota Relative Value Index.

As you may be aware, the FTC has been investigating activities of MSMA and the component societies involving the development and use of the Minnesota Relative Value Index. The Council of the Association and the component societies no longer desire to continue such activities and have entered into an agreement with the Federal Trade Commission to discontinue all Relative Value Index activities.

This agreement resulted in the issuance by the Federal Trade Commission on ---------- of a complaint and the entry of a consent order which requires, in essence, that MSMA and the component societies:

(a) Cease publishing and participating in the development of relative value indices;

(b) Refrain from publishing, recommending, or suggesting dollar conversion factors applicable to relative value indices

(c) Withdraw the relative value indices and any conversion factors which have already been published or recommended;

(d) Distribute a copy of the complaint and consent order to MSMA members and to every recipient of the Minnesota Relative Value Index; and

(e) Instruct all recipients of the Minnesota Relative Value Index to return them, with all supplements, addenda, and additions thereto, to MSMA.

The complaint of the FTC alleges basically that the MSMA Relative Value Index and the adoption of uniform conversion factors have the effect of influencing fees charged by physicians. However, the consent agreement with the FTC states that it does not constitute an admission by MSMA or any component society that the law has been violated, and that it is for settlement purposes only.

In accordance with the provisions of the FTC's order, you are to cease using and are to return all copies of any edition of the Minnesota Relative Value Index in your possession.

The proper mailing address is: Minnesota State Medical Association, 101 East Fifth Street, St. Paul, Minnesota 55101.

Copies of the FTC's complaint and order are enclosed.

Sincerely,

Chairman of the Council.

ANALYSIS TO FACILITATE PUBLIC COMMENT ON PROPOSED CONSENT ORDER

The Federal Trade Commission has accepted an agreement containing a proposed consent order from the Minnesota State Medical Association ("MSMA") and the 34 county and district component societies chartered by MSMA ("component societies"). The agreement culminates an investigation conducted pursuant to File No. 771–0028.

The Minnesota State Medical Association is a corporation with about 5000 members. It is governed by an elected House of Delegates, which in turn elects Councilors and officers who together constitute the Council of MSMA, which manages the affairs of the Association between sessions of the House of Delegates. Active membership in MSMA is open to licensed physicians, residents, interns, medical students, and members of non-medical health professions allied with medicine.

According to a complaint proposed by the Commission's staff, MSMA, since 1959, has allegedly "prepared, published, and circulated to its members and others two editions" of a "Minnesota Relative Value Index," which sets out comparative numerical values for various medical procedures or services performed by physicians and other health care practitioners, which could be converted into a fee schedule by the application of a monetary conversion factor. The proposed complaint further alleges that MSMA component (county medical) societies have adopted, published, circulated, or suggested such monetary conversion factors to their individual members at various times since 1961. The complaint alleges that these activities have established, maintained, or otherwise influenced fees charged health care consumers in violation of the FTC Act.

The proposed order would require the respondents to:

(a) Cease publishing or participating in the development of relative value scales; [1]

(b) Cease adopting or recommending conversion factors; and

(c) Withdraw the relative value scales already published and withdraw and abrogate conversion factors already adopted or suggested.

In addition, MSMA would be required to distribute a copy of the complaint and order to each of its members [2] and to all other recipients to return such relative value scales to it. MSMA would not be permitted to charter any new component societies unless the charter of each such society incorporates in substance the prohibitions against relative value scale and conversion factor activities contained in the order.

The order would also require MSMA and its component societies to, within sixty (60) days of the effective date of the order, file with the Commission individual written reports showing in detail the manner and form of their compliance. Moreover, MSMA and the component societies would be required to notify the Commission at least thirty (30) days prior to any proposed change in their organization which might affect their obligations under the order. Finally, the order contains a provision affirming that activities not specifically encompassed by the order would nonetheless be subject to challenge under the antitrust laws or the Federal Trade Commission Act.

This analysis is intended to encourage public comment; it does not constitute an official interpretation of the agreement and proposed order or a modification of their terms.

JOHN F. DUGAN,
Acting Secretary.

[FR Doc.77-11583 Filed 4-20-77;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting in-

[1] However, MSMA and the component societies may testify before Congressional committees and other government bodies and furnish information to organizations which request it: *Provided*, That any testimony or information relating to fee levels must be limited to historical data, free from editing or interpretation, and fully described as to methodology. They may also publish lists of standardized terminology describing medical services or procedures, so long as the lists do not directly or indirectly set forth absolute or relative values for such services or procedures.

[2] MSMA is not required to send a copy of the complaint and order to its retired members or to members who are serving in the United States armed forces or the public health service or who are engaged in medical missionary work outside the United States.

formation from the public was received by the Regulatory Reports Review Staff, GAO, on April 14, 1977. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on theproposed FCC request are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed request, comments (in triplicate) must be received on or before May 9, 1977, and should be addressed to Mr. John M. Lovelady, Acting Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5033, 441 G Street, NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532.

FEDERAL COMMUNICATIONS COMMISSION

FCC requests an extension no change clearance of Part 73 of FCC rules and regulations entitled Standard Broadcast and FM Station Program Logging Rules. Part 73 requires licensees or permittees of each standard broadcast station and each FM station to maintain program, operating, and maintenance logs setting forth specified information. FCC estimates respondents to number approximately 4,163 and recordkeeping burden to average 4,380 hours annually per respondent.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.77-11532 Filed 4-20-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

ELEMENTARY AND SECONDARY EDUCATION

Utah, Audit Appeal Application

Notice is hereby given that, pursuant to the Notice establishing the Title I Audit Hearing Board (37 FR 23002, October 27, 1972, as amended by 41 FR 28568, July 12, 1976), an application for an appeal before the Board has been received from the State of Utah and it has met the jurisdictional requirements of Section 5 of the Notice establishing the Board.

The appeal involves the allowability of specified expenditures of funds under Title I of the Elementary and Secondary Education Act during the period of September 1, 1967, through August 31, 1972, by the State Education Agency and the local school districts of San Juan, Daggett, Murray, Weber, and Iron.

The total amount involved in this audit appeal is $112,244. The Audit Control Number is 60001-08, and the Docket Number is 15-(30)-76.

The Prehearing Conference will be held at 10:30 a.m. on June 16, 1977, in Room 4173, 400 Maryland Avenue, S.W., Washington, D.C.

Section 7(c) of the Notice setting up the Board provides:

(c) Intervention by third parties. (1) Interested third parties may, upon application to the Board Chairman, intervene in proceedings conducted under this notice. Such application must indicate to the satisfaction of the Board Chairman that the intervener has information relative to the specific issues raised by the final audit determination and that such information will be useful to the Hearing Panel in resolving those issues.

(2) When third parties are given leave to intervene in accordance with subparagraph (1) above, such parties shall be afforded the same opportunities as other parties to present written materials, to participate in informal conferences, to call witnesses, to cross-examine other witnesses, and to be represented by counsel.

All such applications for intervention will be considered if received on or before June 1, 1977.

(20 U.S.C. 241a, 1232c.)

(Catalog of Federal Domestic Assistance Number 13.428, Educationally Deprived Children, Local Educational Agencies.)

Dated: April 13, 1977.

ERNEST L. BOYER,
Commissioner of Education.

[FR Doc.77-11361 Filed 4-20-77;8:45 am]

NATIONAL ADVISORY COUNCIL ON WOMEN'S EDUCATIONAL PROGRAMS

Meeting

AGENCY: Office of Education National Advisory Council on Women's Educational Programs.

ACTION: Notice.

SUMMARY: This notice sets forth the schedule and proposed agenda of forthcoming meeting of the Public Information Committee of the National Advisory Council on Women's Educational Programs. It also describes the functions of the Council. Notice of the meeting is required pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92-463). This document is intended to notify the general public of their opportunity to attend.

DATE: May 9, 1977, 1 to 6 p.m.

ADDRESS: Ramada Inn, 6833 Main Street, Scottsdale, Arizona.

FOR FURTHER INFORMATION CONTACT:

Kathy Maurer, National Advisory Council on Women's Educational Programs, 1832 M Street, NW., No. 821, Washington, D.C., 20036, 202-382-3862.

SUPPLEMENTAL INFORMATION: The National Advisory Council on Women's Educational Programs is established pursuant to Public Law 93-380, Section 408(f)(1). The Council is mandated to (a) advise the Commissioner with respect to general policy matters relating to the administration of the Women's Educational Equity Act of 1974; (b) advise and make recommendations to the Assistant Secretary concernnig the improvement of educational equity for women; (c) make recommendations to the Commissioner with respect to the allocation of any funds pursuant to Section 408 of Public Law 93-380, including criteria developed to insure an appropriate distribution of approved programs and projects throughout the Nation; (d) make such reports to the President and the Congress on the activities of the Council as it determines appropriate; (e) develop criteria for the establishment of program priorities; and (f) disseminate information concerning its activities under Section 408 of Public Law 93-380.

The meeting of the Public Information Committee will be open to the public. It will be held on May 9 from 1 p.m. to 6 p.m. at the Ramada Inn, 6833 Main Street, Scottsdale, Arizona. The proposed agenda includes

(1) Discussion of policies and procedures for: (a) news and dissemination projects; (b) public input into the Council; (c) identification of issues for Council attention, and (d) Council publications.
(2) Other business.
(3) Informal exchange with the public (from 5 to 6 p.m.).

Records will be kept of all Council proceedings and will be available for public inspection at the Council offices at Suite 821, 1832 M Street, NW., Washington, D.C.

Signed at Washington, D.C., on April 18, 1977.

JOY R. SIMONSON,
Executive Director.

[FR Doc.77-11601 Filed 4-20-77;8:45 am]

[Program Announcement No. 13626-771]

Office of Human Development

SPECIAL PROJECTS FOR SERVICES AND FACILITIES

Announcement of Grants for Fiscal Year 1977

The Rehabilitation Services Administration, Office of Human Development, announces that applications will be accepted until June 17, 1977 from State Vocational Rehabilitation Agencies, rehabilitation facilities and other public or nonprofit agencies and organizations wishing to compete for grants in Fiscal Year 1977 under the Rehabilitation Special Projects for Services and Facilities Program authorized by Sections 302(b), 302(c), 304(b)(1), 304(c) and 112 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 762).

All applications received by the closing date which are complete and conform to the requirements of this program announcement will be accepted for review and considered for an award.

Regulations applicable to this program were published in the Federal Register

in Subparts, A, B and C of Chapter XIII of Title 45 of the Code of Federal Regulations (45 CFR, Part 1362) on November 25, 1975.

Scope of this Program Announcement: This program announcement identifies the general program objectives and funding priorities of the Rehabilitation Special Projects for Services and Facilities Program for Fiscal Year 1977.

A. *Program Purpose.* The purpose of the Rehabilitation Special Projects for Services and Facilities Program is to expand or improve vocational rehabilitation services for the physically and mentally handicapped.

B. *Program Objectives and Eligible Applicants—Section 302(b)—Training Services:* Under this Section grants may be made for projects which are designed to provide vocational training services, leading to maximum employability of handicapped individuals. Emphasis is on training services directed to the most severely disabled.

Application may be made by States and public or private nonprofit organizations and agencies. The rehabilitation facility to be involved in the provision of vocational training services shall:

1. Be a public or private nonprofit rehabilitation facility;

2. Have been in operation at least one year;

3. Provide training courses in occupational skills (with the major portion of each course being provided within the rehabilitation facility) and related services including work evaluation, work testing and job tryouts and the major portion of each of these items with the exception of job tryouts, will be provided within the rehabilitation facility;

4. Meet occupational health and safety standards prescribed by regulations of the Secretary of Labor;

5. Substantially meet any standards for rehabilitation facilities established by the Secretary; and

6. Prepare trainees for gainful employment.

Section 302(c)—Facility Improvement. Facility Improvement grants may be made to analyze, improve and increase professional services, management effectiveness or other operational aspects of rehabilitation facilities affecting the facility's capability to provide employment and services for the handicapped.

Application may be made by any public or private nonprofit rehabilitation facility, or an organization or combination of such facilities which has been in operation for at least twelve months.

Section 304(b)(1)—Severely Disabled. Under this section, grants may be made to support projects and demonstrations, including research and evaluation related to them, to establish programs and facilities which hold promise of expanding or otherwise improving rehabilitation services to handicapped individuals. Specific target groups include those individuals with mental illness, older blind individuals, and deaf persons whose maximum vocational potential has not been achieved.

For projects directed toward the mentally ill, priority will be given to those applications which have the following objectives:

1. Cooperative programming involving a State rehabilitation agency and a community mental health center, department of mental health, institution or other treatment resource designed to expand and improve vocational rehabilitation services for people with severe mental illness.

2. Prevention of institutionalization through the development of alternative vocationally-oriented rehabilitation programs in the community.

3. Demonstration of the role and function of a State rehabilitation agency within a system of community support services aimed at assisting individuals currently in institutions to achieve a satisfactory vocational adjustment in a less-restrictive environment.

4. Determination of the special needs in job development, placement, and follow-up services for persons severely handicapped by mental illness.

Any State or other public or nonprofit agency or organization is eligible to apply.

Section 304(c) — Migratory Workers. Under this authority grants may be made for projects or demonstrations which will provide vocational rehabilitation services to migratory agricultural workers or seasonal farmworkers or to members of their families who are with them where such services are necessary to the vocational rehabilitation of the handicapped migratory agricultural worker or seasonal farmworker.

State or local vocational rehabilitation agencies are eligible to apply.

Section 112—Client Assistance. Grants may be made under this section to establish client assistance projects to inform and advise rehabilitation agency clients and client applicants in the project area of all available benefits and, upon request, to assist them in their relationship with the projects, programs or facilities providing services to them.

Application may be made only by State Vocational rehabilitation agencies.

C. *Available Funds.* An estimate of monies available for new or competing extension projects in FY 1977 is as follows: (1) Training Services and Facility Improvement, $892,000; (2) Severely Disabled, $777,000; (3) Migratory Workers, $530,000; and (4) Client Assistance, $316,000. Size of individual grants and number of awards to be made is variable. Applicants are advised to consult with the Regional Office in the Region where the applicant is located before making application to ascertain whether funds will be available in that specific Region for funding new or competing extension applications in FY 1977.

D. *Grantee Share of Project.* It is generally expected that grantees will provide at least some of the total project costs. Applicants for Training Service and Migratory Worker projects will be expected to provide at least 10 percent of total project costs. Applicants for Facility Improvement projects must provide a minimum of 20 percent. Grantee contributions must be project-related and allowable under the Department's applicable cost principles in 45 CFR Part 74, Subpart Q.

E. *The Application Process.—A-95 Clearinghouse Notice:* In compliance with the Department of Health, Education and Welfare's implementation of Office of Management and Budget Circular No. A-95 Revised (interim procedures at 41 FR 3160, July 29, 1976), applicants who request grant support must, prior to submission of an application, notify both the State and Areawide A-95 Clearinghouses of the intent to apply for Federal Assistance. If the application is for a statewide project which does not affect areawide or local planning and programs, the notification need be sent only to the State Clearinghouse. Some State and Area Clearinghouses provide their own forms on which such information is to be submitted. Applicants should contact the appropriate State Clearinghouse (listed at 42 FR 2210, Jan. 10, 1977) for information on how they can meet the A-95 requirements.

State VR Agency Approval. Applicants are advised to consult with their State Vocational Rehabilitation Agency in the initial stages of application development to ensure State Agency requirements are met and approval is obtained. All applications submitted under this program must have State Agency approval before submission to the Rehabilitation Services Administration.

Application Submission. In order to be considered for a grant, all applications must be submitted on standard forms provided for this purpose by the Commissioner in accordance with guidelines established by the Commissioner. The application shall be executed by an individual authorized to act for the applicant agency and to assume the obligations imposed by the terms and conditions of the grant award, including the regulations for the Rehabilitation Special Projects for Services and Facilities Program.

One signed original and two copies of the grant application, including all attachments, are required. The original and the two copies of all completed applications, except for applications pursuant to Section 304(b)(1) should be submitted to the Regional Office from which the application was obtained or as otherwise specifically instructed in the application material. Applications for projects pursuant to Section 304(b)(1) should be submitted to the Division of Grants and Contract Management, Office of Human Development, Room 1427, Mary E. Switzer Bldg., 330 "C" Street SW., Washington, D.C. 20201.

Application Consideration. The Director, Office of Rehabilitation Service in the Regional Office or, in the case of projects pursuant to Section 304(b)(1), the Commissioner of Rehabilitation Services determine the final action to be taken with respect to each grant application.

All grant applications are subjected to a competitive review and evaluation conducted by qualified persons outside the cognizant Program Office. The results of the competitive review assist the Director, Office of Rehabilitation Services or

the Commissioner's consideration of the competing applications. This consideration also takes into account the comments of the A–95 Clearinghouses, State VR Agencies, the HEW Regional Offices or the headquarters program office. Comments on the applications may also be requested from appropriate specialists and consultants inside and outside the Government.

After the Director, Office of Rehabilitation Services or the Commissioner have reached a decision either to disapprove or not to fund a competing grant application, the unsuccessful applicant is notified of that decision.

Grant Awards. The Director, Office of Rehabilitation Services or the Commissioner make grant awards consistent with the purposes of the Act, the regulations, and program announcements within the limits of Federal funds available. The official grant award document is the Notice of Grant Awarded. The Notice of Grant Awarded sets forth in writing to the grantee the amount of funds granted, the purpose of the grant, the terms and conditions of the grant award, the effective date of the award, the budget period for which support is given and the total grantee participation, if any. The initial award also specifies the total project period for which support is contemplated.

F. *Criteria for Review and Evaluation of Applications.* All new and competing extension applications received in response to this announcement will receive a technical review by qualified experts. Applications are evaluated against the following criteria:

1. Project objectives are identical with or are capable of achieving program objectives, as defined in this announcement.

2. Project objectives address priority populations, where applicable.

3. Project procedures are capable of attaining project objectives.

4. Adequate facilities are available to the applicant to carry out the project.

5. Project personnel, actual or proposed, are well trained and qualified.

6. Staffing levels are adequate to carry out the project.

7. The project contains an adequate evaluation component.

8. The project demonstrates the potential for the project to be continued after termination of support.

9. The project demonstrates the potential for project results to be effectively utilized after termination of support.

10. The estimated cost to the Government is reasonable in relation to anticipated project results.

G. *Closing Date for Receipt of Applications.* Applications are due by close of business (COB) on June 17, 1977. Applications will be judged on time if:

1. The application was sent by registered or certified mail not later than June 17 as evidenced by the U.S. Postal Service postmark or the original receipt from the U.S. Postal Service;

2. The application is sent by mail and received on or before the closing date in the Department of Health, Education and Welfare, the Office of Human Development or the Rehabilitation Services Administration mailrooms as evidenced by the time date stamp or other documentary evidence of receipt maintained by such mailroom, or

3. The application is hand delivered to the office designated to receive the application in the application instructions. Hand delivered applications will be accepted no later than COB June 17 in any case.

H. *Late Applications.* Late applications are not accepted and applicants are notified accordingly.

I. *Availability of Application Forms.* Application kits which contain the prescribed application forms and information for the applicant may be obtained by writing to the Director, Office of Rehabilitation Services for the Region in which the applicant is located. Addresses are listed below. When requesting application kits, applicants must specify the program (e.g., Section 302(b), 3034(b)(1), etc.) under which they are applying in order to ensure they receive the relevant application material.

J. *Regional Office Addresses:*

REGION I

Director, Office of Rehabilitation Services, Department of Health, Education, and Welfare, John F. Kennedy Federal Building, Government Center, Boston, Massachusetts 02203.

REGION II

Director, Office of Rehabilitation Services, Department of Health, Education, and Welfare, Federal Building, 26 Federal Plaza, New York, New York 10007.

REGION III

Director, Office of Rehabilitation Services, Department of Health, Education, and Welfare, 3535 Market Street, P.O. Box 13716, Philadelphia, Pennsylvania 19101.

REGION IV

Director, Office of Rehabilitation Services, Department of Health, Education, and Welfare, 50, 7th Street, NE., Room 362, Atlanta, Ga. 30323.

REGION V

Director, Office of Rehabilitation Services, Department of Health, Education, and Welfare, 300 South Wacker Drive, 15th Floor, Chicago, Illinois 60606.

REGION VI

Director, Office of Rehabilitation Services, Department of Health, Education, and Welfare, Fidelity Union Life Building, Rm. 340, 1511 Bryan Street, Dallas, Texas 75201.

REGION VII

Director, Office of Rehabilitation Services, Department of Health, Education, and Welfare, 601 East 12th Street, Kansas City, Missouri 64106.

REGION VIII

Director, Office of Rehabilitation Services, Department of Health, Education, and Welfare, Federal Office Building, Room 9017, 19th and Stout Streets, Denver, Colorado 80202.

REGION IX

Director, Office of Rehabilitation Services, Department of Health, Education, and Welfare, Federal Office Building, 50 Fulton Street, San Francisco, California 94102.

REGION X

Director, Office of Rehabilitation Services, Department of Health, Education, and Welfare, Arcade Building, 1321 Second Avenue (MS 622), Seattle, Washington 98101.

(Catalog of Federal Domestic Assistance Program Number: 13.626 Rehabilitation Services and Facilities—Special Projects.)

Dated: March 30, 1977.

JOSEPH A. MOTTILA,
Acting Commissioner of Rehabilitation Services.

Approved: April 18, 1977.

ARABELLA MARTINEZ,
Assistant Secretary for Human Development.

[FR Doc.77-11571 Filed 4-20-77;8:45 am]

Office of the Assistant Secretary for Health

NATIONAL COMMISSION FOR THE PROTECTION OF HUMAN SUBJECTS OF BIOMEDICAL AND BEHAVIORAL RESEARCH

Meeting

The National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research will meet on May 13 and 14, 1977, in Conference Room 6, C Wing, Building 31, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland. The meeting will convene at 9 a.m. each day and will be open to the public, subject to the limitations of available space. Topics included in the mandate to the Commission under the National Research Act (Pub. L. 93-348), as amended, including research involving children, compensation of injured research subjects, the Special Study (section 203 of Pub. L. 93-348), the performance of Institutional Review Boards, and the identification of ethical principles that should underlie the conduct of biomedical and behavioral research involving human subjects, will be the agenda for this meeting.

Written materials of any length may be submitted to the Commission at any time. Requests for information should be directed to Ms. Betsy Singer, Information Officer (301-496-7776), Room 125, Westwood Building, 5333 Westbard Avenue, Bethesda, Maryland 20016.

Dated: April 12, 1977.

MICHAEL S. YESLEY,
Staff Director, National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research.

[FR Doc.77-11514 Filed 4-20-77;8:45 am]

Office of the Secretary

ADVISORY COMMITTEE ON NATIONAL HEALTH INSURANCE ISSUES

Establishment

The Secretary of Health, Education, and Welfare has determined the estab-

lishment of the Advisory Committee on National Health Insurance Issues, as identified hereinafter, to be in the public interest, and necessary and appropriate to provide advice to the Secretary and the Department concerning specific issues and policy options relating to National health insurance.

1. *Designation.* Advisory Committee on National Health Insurance Issues.

2. *Duration and Reporting Date.* Unless renewed by appropriate action, the Advisory Committee on National Health Insurance Issues will terminate December 31, 1978. A report of its activities and findings will be submitted to the Secretary not later than January 31, 1978.

3. *Purpose.* To advise the Secretary on alternative proposals to critical issues involved in National health insurance, such as financing systems, reimbursement methods and cost controls, structure of patient payments, relationship with planning agencies, and the role of private health insurance.

4. *Public Hearings.* To provide a forum for many voices which have not been heard before at the National level, the Advisory Committee will conduct hearings acrss the Nation. Notice of such hearings will be provided in the FEDERAL REGISTER and by mail to any individual who submits a written request.

5. *Membership.* Public committee members will be a broadly representative group from all parts of the country, including consumers, physicians, other health profesisonals, labor union representatives, officials of State and local governments, members of the hospital and insurance industries, and representatives of the business community.

6. *Meetings.* Notice of the meetings, to be held not more frequently than once per week, will be given to the public in accordance with the Federal Advisory Committee Act.

JOHN D. YOUNG,
Assistant Secretary for Management and Budget.

[FR Doc.77-11671 Filed 4-20-77;8:45 am]

Public Health Service

QUALIFIED HEALTH MAINTENANCE ORGANIZATION

Notice

Notice is hereby given, pursuant to 42 CFR 110.605, that in the month of March 1977 the following entity has been determined to be a qualified health maintenance organization under section 1310 (d) of the Public Health Service Act (42 U.S.C. 300e-9(d)).

QUALIFIED HEALTH MAINTENANCE ORGANIZATION

NAME, ADDRESS, SERVICE AREA, AND DATE OF QUALIFICATION

(Operational Qualified Health Maintenance Organization: 42 CFR § 110.603(a))

1. Connecticut Health Plan, Inc., 4000 Park Avenue, Bridgeport, Connecticut 06604. Service area: State of Connecticut, the following counties: Fairfield County—Bridgeport, Easton, Fairfield, Monroe, Shelton, Stratford, and Trumbull. New Haven County—Milford. Date of Qualification: March 15, 1977.

Files containing detailed information regarding qualified health maintenance organizations will be available for public inspection between the hours of 8:30 a.m. and 5 p.m., Monday through Friday, at the Office of Quality Standards, Office of the Assistant Secretary for Health, Department of Health, Education, and Welfare, Room 14A-27, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

Questions about the review process or requests for information about qualified health maintenance organizations should be sent to the same office.

Dated: April 14, 1977.

WILLIAM B. MUNIER, M.D.,
Director,
Office of Quality Standards.

[FR Doc.77-11591 Filed 4-20-77;8:45 am]

Social Security Administration

OFFICE OF ADVANCED SYSTEMS

Statement of Organization, Functions and Delegations of Authority

Part S (formerly Part 4) of the Statement of Organization, Functions and Delegations of Authority for the Department of Health, Education, and Welfare contains the Statement of Organization, Functions and Delegations of Authority for the Social Security Administration (SSA). Sections SA-00 through SA-20 of the SSA Statement (40 FR 4473-74, dated January 30, 1975) describe the Mission, Organization, Order of Succession Functions for SSA's Office of the Commissioner (OC). Sections SA-10E and SA-20E of the OC Statement are hereby modified and expanded to reflect the redesignation of the Advanced Operating Systems Staff as the Office of Advanced Systems (OAS) and to reflect the creation of four divisions within OAS. This revised and new material reads as follows:

SECTION SA-10 Office of the Commissioner—(Organization).

E. Office of Advanced Systems: 1. Division of Control, Coordination and Evaluation;
2. Division of Analysis and Design;
3. Division of Development; and
4. Division of Implementation and Testing.

SEC. SA-20 Office of the Commissioner—(Functions).

E. "The Office of Advanced Systems" (OAS) directs and conducts comprehensive, long-range process and systems planning efforts within SSA. It develops the goals, objectives, policies, standards, practices, and timetables for the SSA process and related systems of the future. The Office performs research studies and analyses concerning future SSA program and operational status and requirements over a span of 5-20 years and beyond. It develops and applies measures of systems effectiveness, and directs the evaluation of systems achievements in terms of progress toward attainment of SSA objectives, recommending the adjustment of objectives, methods of attainment and/or timeframes for achievement in light of current events and status. OAS assists the Commissioner and his Executive Staff in structuring the issues and options for long-range system and process developments. It develops and maintains the total SSA systems Master Plan; prepares the system performance and design specifications stemming from the Master Plan; and directs the system and application programming efforts flowing from such specifications.

The Office represents SSA in dealing with other parts of the Department, Federal agencies; and non-Federal organizations, on matters related to advanced process and systems planning. OAS includes the following major components, whose functions are as indicated:

1. Division of Control, Coordination and Evaluation (DCCE). a. Monitors and coordinates all OAS project activities that make a direct contribution to the development of the future process; and serves as a focal point for planning and control efforts involving defining products, describing activities, scheduling, assigning personnel to activities, measuring and reporting performance, and identifying and reporting on problems affecting accomplishment of project goals.

b. Analyzes tasks being performed to determine their relationship to activities identified as necessary to successful project completion; identifies additional project activities that may be required; reviews activities to ensure that they will result in the specific products described in the project objectives; contributes to the definition of objectives of products and activities; documents objectives; determines standards of measurement for accepting products; and reviews products against objectives throughout the project cycle.

c. Tracks and assesses contract and other project activities being performed outside OAS; maintains liaison with program offices within SSA and with higher monitoring authorities outside SSA; prepares a variety of periodic and special reports required by higher monitoring authorities; and makes presentations to Federal, State and local government officials concerning the objectives and programs of the SSA future process.

d. Establishes and operates a mechanism for SSA systems change control and monitoring; analyzes, updates and documents the objectives and operations of existing SSA systems and procedures; evaluates proposals to modify existing systems or to establish new systems or major subsystems under SSA programs and provides objective analyses concerning the consistency of such proposals with the SSA Master Plan; and updates descriptions to clarify the objectives and operations of current programs and systems and to reflect approved changes as they occur.

e. Develops, and monitors compliance with, documentation requirements for all phases of the OAS project.

f. Develops overall cost parameters within constraints and requirements of higher monitoring and fiscal authorities; and performs overall, and specific element, cost/benefit and cost effectiveness analyses to assist in determining choices among alternative systems and process designs and configurations.

2. Division of Analysis and Design (DAD). a. Analyzes the current and projected SSA Mission in terms of the future SSA process; analyzes current systems, policies, programs and operational processes; identifies deficiencies and constructive aspects; and evaluates for consistency with objectives, and systems and operational requirements of the Master Plan.

b. Analyzes and evaluates current law and policy and legislative and policy contingencies for impact on new process design; recommends modifications; and analyzes emergent technological developments for identification of new process design opportunities and constraints.

c. Develops fresh standards of service delivery and defines operational objectives and activities to meet these standards.

d. Prepares and updates the specific objectives and the general systems and operational requirements for the future SSA process; develops user-oriented performance requirements and systems design specifications for application systems and special support systems; develops initial plans for systems implementation; and exercises monitoring and control responsibilities, in conjunction with DCCE, through review of developmental activities performed within SSA and by outside contractors.

3. Division of Development (DD). a. Translates user-oriented systems requirements specifications into specifications for machine-oriented programs and systems; and determines which are appropriate for development within OAS, elsewhere within SSA, or by contract with external sources.

b. Provides technical specifications for ADP hardware and software to be included in Requests for Proposals; evaluates contractor proposals; develops specifications for both SSA and contractor performance of developmental projects; and monitors their performance.

c. Provides machine-oriented design and development of programs and systems determined to be appropriate for development through internal OAS activity.

d. Determines appropriate techniques to incorporate human factors concepts and requirements into the detailed future process specifications; determines effects of future process developments on SSA operational procedures; establishes projects for development of operational procedures; and develops training materials to facilitate personnel adaptation to new systems and procedures.

e. Develops requirements and specifications for modification of SSA facilities to support future process concepts and plans, in close coordination with the Office of Materiel Management (OMM), OMA.

4. Division of Implementation and Testing (DIT). a. Installs and tests all components of the SSA process; assures systems integration; carries out pilot operations and provides post-implementation assistance; assures and tests network integration and security features designed into the process; refines systems and equipment, based on operational findings resulting from live systems tests; and reviews security features for effectiveness.

b. Reviews design products against original performance requirements and reconciles products with each other to assure the synchronization and integration of the flow of data and the coordination of activities in achieving optimum efficiency of the SSA process.

c. Assists in the development of implementation plans and the establishment of priorities, in coordination with DCCE; and provides scheduling data to other OAS components based on coordination with OMA, contractors, and other service and materiel suppliers.

d. Works with OMA in the provision, acquisition and conversion of facilities to meet the conditions and schedules established for project completion.

Dated: April 12, 1977.

JOHN D. YOUNG,
Assistant Secretary for Management and Budget.

[FR Doc.77-11515 Filed 4-20-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Alaska Native Claims Selection

[F-033698 through F-033705, F-033707, F-033708, F-14922-A, F-14922-A2]

ALASKA

On March 19, 1965, pusrant to section 6(b) of the Alaska Statehood Act, the State of Alaska filed the following selection applications for the following lands:

Serial Number and Township

F-033698—T. 3 N., R. 45 W., Umiat Meridian
F-033699—T. 3 N., R. 46 W., Umiat Meridian
F-033700—T. 4 N., R. 45 W., Umiat Meridian
F-033701—T. 4 N., R. 46 W., Umiat Meridian
F-033702—T. 5 N., R. 44 W., Umiat Meridian
F-033703—T. 5 N., R. 45 W., Umiat Meridian
F-033704—T. 6 N., R. 43 W., Umiat Meridian
F-033705—T. 6 N., R. 44 W., Umiat Meridian
F-033707—T. 7 N., R. 43 W., Umiat Meridian
F-033708—T. 7 N., R. 44 W., Umiat Meridian

On December 23, 1965, tentative approval was given for the above lands, except that the State's applications were rejected for the lands within Public Land Order 1851 and for 100 acres in and around the village of Point Lay. On June 16, 1972, each application was ameneded to include all land in each township selected, excluding patented lands.

On December 18, 1971, the Alaska Native Claims Settlement Act (85 Stat. 688) became law. Section 11 of the act withdrew all of the above-mentioned townships for possible selection by the village of Point Lay.

On November 15, 1973, Cully Corporation Inc. (The Point Lay village corporation) filed selection application F-14922-A under the provisions of section 12(a) of the Alaska Native Claims Settlement Act of December 18, 1971. Section 12(a)(1) provides that village selections shall be made from lands withdrawn by subsection 11(a): "*Provided*, That no Village Corporation may select more than 69,120 acres from lands withdrawn by subsection 11(a)(2)." Subsection 11(a)(2) of the act withdrew for possible selection by the village corporation those lands "that have been selected by, or tentatively approved to, but not yet patented to, the State under the Alaska Statehood Act."

Village selection application F-14922-A, as amended, has been properly filed, and the lands are available for selection. Those portions of the village selection to be described are unoccupied and do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title, other than the above-mentioned State selections.

Accordingly, for the above listed State selections, the tentative approval given in the decision of December 23, 1965, must be and is hereby vacated in part and the applications rejected as to the following described lands. In addition, the surface estate of the following described lands, aggregating approximately 65,624 acres is considered proper for acquisition by the Cully Corporation Inc., and is hereby approved for interim conveyance pursuant to section 14(a) of the act:

UMIAT MERIDIAN, ALASKA (UNSURVEYED)

T. 3 N., R. 45 W.,
Secs. 3 to 10, inclusive;
Secs. 13 to 23, inclusive;
Secs. 26 to 31, inclusive;
Excluding Kasegaluk Lagoon.
T. 3 N., R. 46 W. (fractional),
All.
T. 4 N., R. 45 W.,
Secs. 1 and 2;
Secs. 3, 4 and 5, excluding PLO 1851, Parcel 1;
Secs. 9 to 15, inclusive;
Sec. 19;
Secs. 21 to 24, inclusive;
Secs. 27 to 34, inclusive;
Excluding Kasegaluk Lagoon.
T. 4 N., R. 46 W. (fractional),
All.
T. 5 N., R. 44 W.,
Secs. 1 to 4, inclusive;
Sec. 6;
Secs. 8 to 30, inclusive;
Sec. 31, excluding PLO 1851, Parcel 1;
Secs. 32 to 36, inclusive;
Excluding the Kasegaluk Lagoon, the Chukchi Sea, and the Kokolik River upstream from its mouth to the east line of section 29.

T. 5 N., R. 45 W.,
Secs. 1, 12, 13, 14, 23, 24 and 25 (fractional);
Sec. 26 (fractional), excluding Native allotments F-16284 Parcel B, and F-16283 Parcel B, and excluding PLO 1851, Parcel 2;
Sec. 35 (fractional), excluding Native allotment F-16283 Parcel B;
Sec. 36 (fractional), excluding PLO 1851, Parcel 1.
T. 6 N., R. 43 W.,
Sec. 3;
Secs. 4, 5, 7 and 8 (fractional);
Secs. 9, 10, 15 and 16;
Secs. 17, 18 and 19 (fractional);
Secs. 20, 21, 22, 29 and 30.
T. 6 N., R. 44 W. (fractional),
All.
T. 7 N., R. 43 W.,
Secs. 4, 5, 7, 8 and 9 (fractional);
Secs. 12, 13, 17, 18, 19, 23 and 24 (fractional);
Sec. 25;
Secs. 26, 33, 34 and 35 (fractional).
T. 7 N., R. 44 W. (fractional),
All.

The above described lands include 1,450 acres which were formerly within PLO 1851, Parcel 1, and 100 acres in and around the village of Point Lay, neither of which was ever available for State selection.

Therefore, the amount of validly State selected and tentatively approved land to be conveyed to Cully Corporation Inc., is 64,174 acres, which is less than the 69,120 acres they are entitled to select under section 12(a)(1) of the act. The following State selection applications have been rejected in their entirety, and when this decision becomes final, the cases will be closed: F-033699, F-033701, F-033702, F-033705, F-033708. Further action on the lands remaining in State selections F-033698, F-033700, F-033703, F-033704, and F-033707 will be taken at a later date.

In addition to the above lands, on November 15, 1973, the Cully Corporation filed selection application F-14922-A2 under the provisions of section 12(b) of the act. By letter dated February 18, 1977, the Arctic Slope Regional Corporation reallocated 18,415 acres of its section 12(b) entitlement to Cully Corporation Inc.

The application, as amended, is properly filed and meets the requirements of the act and of the regulations issued pursuant to the act. The selected lands described below do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title, nor have they been selected by the State of Alaska.

In view of the foregoing, the surface estate of the following described lands, aggregating approximately 18,415 acres is considered proper for acquisition by the Cully Corporation and is hereby approved for interim conveyance pursuant to section 14(a) of the act:

T. 3 N., R. 44 W., Umiat Meridian (Unsurveyed), Secs. 8 to 36, inclusive.

The interim conveyance issued for the surface estate of the lands described above shall contain the following reservations to the United States:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States. Act of August 30, 1890, 26 Stat. 391, 43 U.S.C. 945.

2. A right-of-way thereon for the construction of railroads, telegraph, and telephone lines, as prescribed and directed by the act of March 12, 1914, 38 Stat. 305, 43 U.S.C. 975 (d).

3. The subsurface estate therein, and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971, 85 Stat. 688, 43 U.S.C. 1601-1624.

4. Pursuant to section 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971, 85 Stat. 688, the following public easements referenced by easement identification number (EIN) on the easement map in case file F-14922-EE are reserved to the United States and subject to further regulation thereby:

a. (EIN 1 C3, C5, D1, D9). A trail easement twenty-five (25) feet in width for an existing trail for use by the public to gain access to and from public lands to the north and south of the selection. Said easement generally parallels the coastline, and its use is to be controlled by applicable State or Federal law or regulation.

b. (EIN 3 C3). A road easement sixty (60) feet in width for an existing road for use by the public to gain access to and from the Point Lay Dew Station, the village of Point Lay, and the village water supply. The use of said easement is to be controlled by applicable State or Federal law or regulation.

c. (EIN 4 C3, C5 D9). A continuous linear easement twenty-five (25) feet in width upland of and parallel to the mean high tide line in order to provide access to and along the marine coastline and use of such shore for purposes such as the beaching of watercraft or aircraft, travel along the shore, recreation, and other similar uses. Deviations from the waterline are permitted when specific conditions so require, e.g., impassable topography or water-front obstruction. This easement is subject to the right of the owner of the servient estate to build upon such easement a facility for public or private purposes, such right to be exercised reasonably and without undue or unnecessary interference with or obstruction of the easement. When access along the marine coastline easement is to be obstructed, the owner of the servient estate will be obligated to convey to the United States an acceptable alternate access route, at no cost to the United States, prior to the creation of such obstruction.

d. (EIN 5 C5, (5a-c)). A trail easement fifty (50) feet in width on an existing trail system for use by the public to gain access to and from public lands. The first segment begins at Point Lay and runs southerly to the Epizetka River. In protracted section 30 of T. 3 N., R. 44 W., Umiat Meridian, the trail system branches into 5b and 5c. Segment 5b follows the Epizetka River to public lands; segment 5c cuts southwesterly and follows the right bank of the Kukpowruk River northwest to its mouth and south to public lands. Segment 5a leaves EIN 5 C5 approximately 4 miles east of the village and proceeds easterly to public lands. The use of this trial system is to be controlled by applicable State or Federal law or regulation.

e. (EIN 9 D9). Two (2) one (1) acre site easements. Both site easements extend twenty-five (25) feet into the water. The portion of each easement on the beds of the rivers is in addition to the one (1) acre on the land.

One site, for camping, vehicle use, and staging, is located on the right bank of the Kukpowruk River in protracted section 21, T. 3 N., R. 45 W., Umiat Meridian.

The second site, for camping and vehicle use, is located in protracted section 25, T. 5 N., R. 44 W. on the left bank of the Kokolik River.

f. (EIN 16 C) (16a and 16b). Two (2) proposed trial easements twenty-five (25) feet in width for use by the public to gain access to and from public lands to the east of the selection. Trial 16a begins on the coast just south of Tungaich Point, and trail 16b begins approximately 8 miles further south on the coast. The use of these trails is to be controlled by applicable State or Federal law or regulation.

g. (EIN 22 C). The right of the United States to enter upon the lands herein granted for cadastral, geodetic, or other survey purposes, together with the right to do all things necessary in connection therewith.

h. (EIN 23 C). Easements for the transportation of energy, fuel, and natural resources which are the property of the United States or which are intended for delivery to the United States or which are produced by the United States. These easements also include the right to build any related facilities necessary for the exercise of the right to transport energy, fuel, and natural resources including those related facilities necessary during periods of planning, locating, constructing, operating, maintaining, or terminating transportation systems. The specific location of these easements shall be determined only after consultation with the owner of the servient estate. Whenever the use of such easements will require removal or relocation of any structure owned or authorized by the owner of the servient estate, such use shall not be initiated without the consent of the owner of such improvement: *Provided, however,* That the United States may exercise the right of eminent domain if such consent is not given. Only those portions of these easements that are actually in use or that are expressly authorized on March 3, 1996, shall continue to be in force.

The grant of lands by the interim conveyance shall be subject to:

1. Issuance of a patent confirming the boundary description of the lands granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands.

2. Valid existing rights therein, including but not limited to those created by any lease (including a lease issued under section 6(g) of the Alaska Statehood Act (72 Stat. 339, 341)), contract, permit, right-of-way, or easement and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges and benefits thereby granted to him.

3. Requirements of section 14(c) of the Alaska Native Claims Settlement Act, 85 Stat. 688, 703; 43 U.S.C. 1613(c), that the grantee hereunder convey those portions of land hereinafter granted, as are prescribed in said section.

4. The terms and conditions of the agreement of August 6, 1976, between Arctic Slope Regional Corporation, Cully Corporation Inc., the seven other Arctic Slope village corporations, and the Secretary of the Interior. A copy of the agreement is located in Bureau of Land Management file F-14922-EE.

Interim conveyance to the subsurface estate of the land described above will be granted to Arctic Slope Regional Corporation, pursuant to section 14(f) of the

act, when conveyance is granted to Cully Corporation Inc. for the surface estate. Interim conveyance of the remaining entitlement will be made at a later date.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the FEDERAL REGISTER and once a week, for four (4) consecutive weeks in the Fairbanks Daily News-Miner. Any party claiming a property interest in land affected by this decision may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510 and with a copy served upon the Bureau of Land Management and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501; also:

1. Any party receiving actual notice of this decision shall have 30 days from the receipt of actual notice to file an appeal.

2. Any unknown parties, any parties unable to be located after reasonable efforts have been expended to locate, and any parties who failed or refused to sign a receipt for actual notice, shall have until May 21, 1977, to file an appeal.

3. Any party known or unknown who may claim a property interest which is adversely affected by this decision shall be deemed to have waived their rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeal.

Further information on the manner of, and requirements for, filing an appeal may be obtained from the Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501.

ROBERT E. SORENSON,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-11516 Filed 4-20-77;8:45 am]

[F-19148-11, F-19148-17, F-19148-18, F-19148-19, F-19148-20, F-19148-21, F-19148-22, F-19148-34]

ALASKA

Alaska Native Claims Selection

On November 11, 1974, and November 6, 1975, the Arctic Slope Regional Corporation filed subsurface in lieu selection applications F-19148-11, F-19148-17 through F-19148-22 and F-19148-34 pursuant to section 12(a)(1) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 701; 43 U.S.C. 1601, 1611) and in accordance with the agreement between the Secretary of the Interior and the Arctic Slope Regional Corporation dated February 26, 1974.

The applications, as amended, are determined to have been timely and properly filed; they meet all the requirements of the act and the regulations issued pursuant to the act, as well as the provisions of the special agreement.

Section 12(a)(1) of the act provides that:

> * * * when a village corporation selects the surface estate to lands within the National Wildlife Refuge System or Naval Petroleum Reserve numbered 4, the Regional Corporation for that region may select the subsurface estate in an equal acreage from other lands withdrawn by subsection 11(a) within the region * * *

To date, the surface estate of 65,773.7 acres in the Arctic National Wildlife Range and 417,521 acres in Petroleum Reserve No. 4 has been conveyed to villages within the Arctic Slope Region; therefore, the region has a current entitlement of 483,294.7 acres of subsurface in lieu.

In view of the foregoing, the subsurface estate of the following described lands, aggregating approximately 483,233 acres, is considered proper for acquisition by the Arctic Slope Regional Corporation, subject to valid existing rights, and is hereby approved for interim conveyance pursuant to section 14(f) of the act. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

KEMIK SUBSURFACE UNIT F-19148-11

UMIAT MERIDIAN, ALASKA (UNSURVEYED)

T. 1 N., R. 19 E.,
Secs. 12, 13 and 14;
Secs. 23 to 26, inclusive.
T. 1 N., R. 20 E.,
Secs. 7 to 22, inclusive.
T. 1 S., R. 18 E.,
Secs. 1 to 3, inclusive;
Secs. 10 to 36, inclusive.
T. 1 S., R 19 E.,
Secs. 1 to 12, inclusive;
Secs 15 to 22, inclusive;
Secs. 29 to 32, inclusive.
T. 2 S., R. 18 E.,
Secs. 1 to 12, inclusive;
Secs. 15, 16 and 18.

Aggregating approximately 58,208 acres.

ULU SUBSURFACE UNIT F-19148-17

UMIAT MERIDIAN, ALASKA (UNSURVEYED)

T. 9 S., R. 7 E.,
Secs. 7 to 24, inclusive.
T. 9 S., R. 8 E.,
Secs. 7 to 24, inclusive.
Aggregating approximately 22,726 acres.

AHALIK SUBSURFACE UNIT F-19148-18

UMIAT MERIDIAN, ALASKA (UNSURVEYED)

T. 9 S., R. 3 E.,
Secs. 25 to 36, inclusive.
T. 9 S., R. 4 E.,
Secs. 25 to 36, inclusive.
T. 10 S., R. 3 E.,
Secs. 1 to 6, inclusive.
T. 10 S., R. 4 E.,
Secs. 1 to 6, inclusive.
Aggregating approximately 22,768 acres.

SIKSIKPUN SUBSURFACE UNIT F-19148-19

UMIAT MERIDIAN, ALASKA (UNSURVEYED)

T. 9 S., R. 1 W.,
Secs. 7 to 9, inclusive;
Secs. 13 to 27, inclusive.
T. 9S., R. 2 W.,
Secs. 1 to 3, inclusive;
Secs. 10 to 15, inclusive.
T. 9 S., R. 1 E.,
Secs. 16 to 21, inclusive;
Secs. 28 to 30, inclusive.
Aggregating approximately 22,733 acres.

ITKILLIK SUBSURFACE UNIT F-19148-20

UMIAT MERIDIAN, ALASKA (UNSURVEYED)

T. 10 S., R. 7 E.,
Sec. 25;
Secs. 33 to 36, inclusive.
T. 10 S., R. 8 E.,
Sec. 13;
Secs. 22 to 36, inclusive.
T. 10 S., R. 9 E.,
Secs. 13 to 36, inclusive.
T. 10 S., R. 10 E.,
Secs. 10 to 15, inclusive.
T. 11 S., R. 7 E.,
Secs. 1 to 18, inclusive.
T. 11 S., R. 8 E.,
All.
T. 11 S., R. 9 E.,
Secs. 1 to 21, inclusive;
Secs. 28 to 33, inclusive.
T. 11 S., R. 10 E.,
Secs. 19 to 21, inclusive;
Secs. 28 to 33, inclusive.
T. 12 S., R. 7 E.,
Secs. 11 to 14, inclusive;
Secs. 21 to 28, inclusive;
Secs. 33 to 36, inclusive.
T. 12 S., R. 8 E.,
All.
T. 13 S., R. 7 E.,
Secs. 1 to 4, inclusive;
Secs. 9 to 12, inclusive.
Aggregating approximately 128,001 acres.

NILIK SUBSURFACE UNIT F-19148-21

UMIAT MERIDIAN, ALASKA (UNSURVEYED)

T. 10 S., R. 55 W.,
Secs. 4 to 9, inclusive;
Secs. 16 to 23, inclusive;
Secs. 26 to 30, inclusive.

KUKPOWRUK SUBSURFACE UNIT F-19148-22

UMIAT MERIDIAN, ALASKA (UNSURVEYED)

T. 2 S., R. 44 W.,
Secs. 1 to 12, inclusive.
T. 3 S., R. 44 W.,
Secs. 15 to 23, inclusive;
Secs. 27 to 34, inclusive.
T. 5 S., R. 44 W.,
Secs. 15 to 22, inclusive;
Secs. 27 to 34, inclusive.
T. 5 S., R. 45 W.,
Secs. 13 and 14;
Secs. 19 to 36, inclusive.
T. 5 S., R. 46 W.,
Secs. 22 to 27, inclusive;
Secs. 34 to 36, inclusive.
T. 6 S., R. 45 W.,
Secs. 5 and 6.
T. 6 S., R. 46 W.,
Secs. 1 to 3, inclusive;
Secs. 10 and 11.
T. 7 S., R. 46 W.,
Secs. 5, 6 and 7.
T. 7 S., R. 49 W.,
Secs. 1, 2, 11, 12, 25, 35 and 36.
T. 9 S., R. 48 W.,
Secs. 25 to 36, inclusive.
T. 9 S., R. 49 W.,
Secs. 19 to 36, inclusive.
T. 10 S., R. 47 W.,
Secs. 1 to 18, inclusive.
T. 10 S., R. 48 W.,
Secs. 1 to 21, inclusive;
Secs. 28 to 33, inclusive.
T. 10 S., R. 49 W.,
All.
T. 10 S., R. 50 W.,
Secs. 19 to 36, inclusive.
T. 10 S., R. 51 W.,
Secs. 19 to 36, inclusive.
T. 10 S., R. 52 W.,
Secs. 13 to 36, inclusive.
T. 11 S., R. 48 W.,
Secs. 5 to 8, inclusive.

T. 11 S., R. 49 W.,
Secs. 1 to 12, inclusive.
T. 11 S., R. 50 W.,
Secs. 1 to 18, inclusive.
T. 11 S., R. 51 W.,
Secs. 1 to 12, inclusive.
T. 11 S., R. 52 W.,
Secs. 1 to 4, inclusive;
Secs. 9 to 12, inclusive.
Aggregating approximately 199,627 acres.

AYIYAK SUBSURFACE UNIT F-19148-34

UMIAT MERIDIAN, ALASKA (UNSURVEYED)

T. 8 S., R. 3 W.,
Secs. 28 to 33, inclusive.
T. 8 S., R. 4 W.,
Secs. 16 to 30, inclusive;
Secs. 34 to 36, inclusive.
T. 9 S., R. 3 W.,
Secs. 4 to 6, inclusive.
Aggregating approximately 17,199 acres.

The interim conveyance for the subsurface estate of the lands described above shall contain the following reservations to the United States:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States. Act of August 30 1890 (26 Stat. 391; 43 U.S.C. 945).

2. A right-of-way for the construction of railroads, telegraph and telephone lines, as prescribed and directed by the act of March 12, 1914 (38 Stat. 305; 43 U.S.C. 975 (d)).

3. Pursuant to section 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616):

(a) Easements for the transportation of energy, fuel and natural resources which are the property of the United States or which are intended for delivery to the United States or which are produced by the United States. These easements also include the right to build any related facilities necessary for the exercise of the right to transport energy, fuel and natural resources including those related facilities necessary during periods of planning, locating, constructing, operating, maintaining or terminating transportation systems. The specific location of these easements shall be determined only after consultation with the owner of the servient estate. Whenever the use of such easements will require removal or relocation of any structure owned or authorized by the owner of the servient estate, such use shall not be initiated without the consent of the owner of such improvement: *Provided, however,* That the United States may exercise the right of eminent domain if such consent is not given. Only those portions of these easements that are actually in use or that are expressly authorized on March 3, 1996 shall continue to be in force.

(b) The right of the United States to enter upon the lands herein granted for cadastral geodetic or other survey purposes is reserved together with the right to do all things necessary in connection therewith.

The grant of lands by the interim conveyance shall be subject to:

1. Issuance of a patent confirming the boundary description of the estate granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands.

2. Valid existing rights therein, including but not limited to those created by any lease (including a lease issued under section 6(g) of the Alaska Statehood Act (72 Stat. 339, 341), contract, permit, right-of-way or easement, and the right of the lessee, contractee, permittee or grantee to the complete enjoyment of all rights, privileges and benefits thereby granted to him.

All of the subsurface estate contained in the following oil and gas leases is herein approved for interim conveyance; therefore, in accordance with the provisions of section 14(g) of the Alaska Native Claims Settlement Act, the United States will waive administration of the leases and transfer them to the Arctic Slope Regional Corporation when conveyance is issued.

UMIAT MERIDIAN, ALASKA (UNSURVEYED)

Serial No.	*Legal description*
F-021270	T. 1 N., R. 20 E., Secs. 17, 19 and 20.
F-021270-A	T. 1 N., R. 20 E., Sec. 18.
F-021271	T. 1 N., R. 20 E., Secs. 16, 21 and 22.
F-021271-A	T. 1 N., R. 20 E., Sec. 15.

All of the subsurface estate contained in the following oil and gas leases is not herein approved for interim conveyance; therefore, in accordance with the provisions of section 14(g) of the Alaska Native Claims Settlement Act, administration of these leases will continue to be by the United States.

UMIAT MERIDIAN, ALASKA (UNSURVEYED)

Serial No.	*Legal description*
F-031237	T. 1 N., R. 19 E., Secs. 25, 26, 35 and 36.
F-034569	T. 1 N., R. 20 E., Secs. 3, 4, 9 and 10.
F-034572	T. 1 N., R. 20 E., Secs. 5 to 8, inclusive.

Interim conveyance to the remaining subsurface in lieu entitlement for the Arctic Slope Regional Corporation will be made at a later date.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the FEDERAL REGISTER and once a week, for four (4) consecutive weeks, in the TUNDRA TIMES. Any party claiming a property interest in land affected by this decision may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, with a copy served upon the Bureau of Land Management and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage Alaska 99501; also:

1. Any party receiving actual notice of this decision shall have 30 days from the receipt of actual notice to file an appeal.

2. Any unknown parties, any parties unable to be located after reasonable efforts have been expended to locate, and any parties who failed or refused to sign a receipt for actual notice, shall have until May 21, 1977, to file an appeal.

3. Any party known or unknown who may claim a property interest which is adversely affected by this decision shall be deemed to have waived his rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeal. Further information on the manner of, and requirements for, filing an appeal may be obtained from the Bureau of Land Management, 555 Cordova Street, Anchorage Alaska 99501.

ROBERT E. SORENSON,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-11517 Filed 4-20-77;8:45 am]

[Colorado 25134]

TRANS-COLORADO PIPELINE CO.

Pipeline Application

APRIL 12, 1977.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 U.S.C. 185), Trans-Colorado Pipeline Company, P.O. Box 1087, Colorado Springs, Colorado 80901, has applied for a right-of-way for a natural gas pipeline across the following lands:

T. 44 N., R. 14 W., N.M.P.M.
Sec. 9.
T. 45 N., R. 14 W., N.M.P.M.
Sec. 30.
Sec. 32.
T. 45 N., R. 15 W., N.M.P.M.
Sec. 24.

The purpose of this project is to enable the applicant to meet the increasing demands for natural gas.

The purposes of this notice are: To inform the public that the Bureau of Land Management will be proceeding with the preparation of environmental and other analyses necessary for determining whether the application should be approved, and if so, under what terms and conditions; to allow interested parties to comment on the application; and to allow any persons asserting a claim to the lands or having bona fide objections to the proposed pipeline right-of-way to file their objections in this office. Any person asserting a claim to the lands or filing an objection must include evidence that a copy thereof has been served on the applicant. Any comment, claim, or objections must be filed with the Chief, Branch of Adjudication, Bureau of Land Management, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202, within 30 days from the date of this notice.

RODNEY A. ROBERTS,
Acting Chief, Branch of Ajudication.

[FR Doc.77-11518 Filed 4-20-77;8:45 am]

[Colorado 24651]

COLORADO

Proposed Withdrawal and Reservation of Lands (Correction)

In FR Doc. 76-37659, appearing on pages 55943 and 55944 in the issue for Thursday, December 23, 1976 the following change is hereby made:

On page 55943, T. 41 N., R. 1 E., N.M.P.M., Sec. 5, NE¼SE¼NW¼ should be changed to

read T 41 N., R. 1 E., N.M.P.M., Sec. 5, NE¼SE¼NW¼ and S½S½NW¼.

Dated: April 12, 1977.

RODNEY A. ROBERTS,
Acting Chief,
Branch of Adjudication.

[FR Doc.77-11588 Filed 4-20-77;8:45 am]

[Colorado 16284]

LANDS IN ROUTT COUNTY, COLORADO

Public Hearing and Coal Lease Offering by Sealed Bid and Oral Auction

APRIL 14, 1977.

In FR Doc. 77-10666 appearing on page 18905 in the FEDERAL REGISTER for Monday, April 11, 1977 the paragraph entitled warning to bidders should be corrected by adding the following two sentences: The high bidder must demonstrate that he meets the short-term criteria. If the high bidder is other than the applicant, a period of 30 days will be allowed to furnish evidence that he meets the short-term criteria.

JACK G. LORTS,
Chief, Division of
Technical Services.

[FR Doc.77-11622 Filed 4-20-77;8:45 am]

ALASKA

Amendment to Meeting Notice

On April 7 on page 18455 a notice was published in the FEDERAL REGISTER announcing a series of public meetings to be conducted by the Bureau of Land Management, Alaska. The meetings will be held to gather public comment on the proposed amendment of regulations concerning principles and procedures for land classification in Alaska. (43 CFR Part 2400)

An amendment to that notice includes another meeting date and location as follows: May 5 in Glennallen at Glennallen High School at 7 p.m.

CURTIS V. MCVEE,
State Director.

[FR Doc.77-11589 Filed 4-20-77; 8:45 am]

[OR 6528]

OREGON

Order Providing for Opening of Lands Formerly in Powersite Classification No. 284

APRIL 12, 1977.

1. By Powersite Cancellation No. 314 of December 6, 1972 (37 FR 26621) the U.S. Geological Survey canceled Powersite Classification No. 284 of February 27, 1934 in part. The land affected is described as follows:

WILLAMETTE MERIDIAN

T. 4 N., R. 38 E.,
Sec. 7, lot 4, E½NE¼, SW¼NE¼, and NW¼SE¼;
Sec. 8, N½NW¼ and SW¼NW¼.

The area described contains 318.36 acres of land in the Umatilla National Forest in Umatilla County.

2. The State of Oregon has not exercised its preference right of application for highway rights-of-way or material sites afforded it by Section 24 of the Federal Power Act.

3. At 10:00 a.m. on May 18, 1977, the above described land shall be open to such forms of appropriation as may by law be made of national forest land, subject to valid existing rights and the provisions of existing withdrawals.

4. The land described above has been and remains open to applications and offers under the mineral leasing laws, and to location under the United States mining laws subject to the provisions of the Act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

5. Inquiries concerning this land should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

HAROLD A. BERENDS,
Chief, Branch of Lands
and Minerals Operations.

[FR Doc.77-11587 Filed 4-20-77;8:45 am]

Bureau of Indian Affairs

FORT INDEPENDENCE INDIAN RESERVATION, CALIFORNIA

Ordinance Legalizing the Introduction, Sale or Possession of Intoxicating Beverages on the Fort Independence Reservation

In accordance with authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2, and in accordance with the Act of August 15, 1953, Public Law 277, 83rd Congress, 1st Session (67 Stat. 586), I certify that the following ordinance legalizing the introduction, sale or possession of intoxicating beverages on the Fort Independence Indian Reservation in California was adopted on December 1, 1976, by the General Council of the Fort Independence Community:

ORDINANCE

RELATING TO THE APPLICATION OF THE FEDERAL INDIAN LIQUOR LAWS ON THE FORT INDEPENDENCE RESERVATION

Whereas Public Law 277, 83rd Congress, approved August 15, 1953, provides that sections 1154, 1156, 3488 and 3618 of Title 18, United States Code, commonly referred to as the Federal Indian liquor laws, shall not apply to any act or transaction within any area of Indian country provided such act or transaction is in conformity with both the laws of the State in which such act or transaction occurs and with an ordinance duly adopted by the community having jurisdiction over such area of Indian country, certified by the Secretary of the Interior, and published in the FEDERAL REGISTER.

Therefore, Be it resolved that the introduction, sale or possession of intoxicating beverages shall be lawful within the Indian country under the jurisdiction of the Fort Independence Community; provided, that such introduction, sale or possession is in conformity with the laws of California.

Be it further resolved, That any tribal laws, resolutions or ordinances heretofore enacted which prohibit the sale, introduction or possession of intoxicating beverages are hereby repealed.

RAYMOND V. BUTLER,
Acting Commissioner
of Indian Affairs.

APRIL 11, 1977.

[FR Doc.77-11329 Filed 4-18-77;8:45 am]

SENECA INDIANS

Plan for the Use and Distribution of Seneca Indians Judgment Funds Awarded in Dockets 84, 342-B and C and 368, 342-F, and 342-I Before the Indian Claims Commission

APRIL 12, 1977.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

The Act of October 19, 1973 (Pub. L. 93-134, 87 Stat. 466), requires that a plan be prepared and submitted to Congress for the use or distribution of funds appropriated to pay a judgment of the Indian Claims Commission or Court of Claims to any Indian tribe. Funds were appropriated by the Act of December 27, 1974, 88 Stat. 1771, in satisfaction of the award granted to the Seneca Indians in Indian Claims Commission Dockets 84, 342-B and C and 368, 342-F, and 342-I. The plan for the use and distribution of the funds was submitted to the Congress with a letter dated August 9, 1976, and was received (as recorded in the Congressional Record) by the House of Representatives on August 23, 1976, and by the Senate on August 24, 1976. Neither House of Congress having adopted a resolution disapproving it, the plan became effective on January 29, 1977, as provided by Section 5 of the 1973 Act, supra.

The plan reads as follows:

The funds appropriated by the Act of December 27, 1974, 88 Stat. 1771, in satisfaction of the awards granted to the Seneca Indians in Dockets 84, 342-B and C and 368, 342-F and 342-I before the Indian Claims Commission, less attorney fees and expenses, shall be divided by the Secretary of the Interior (hereinafter "Secretary") between the Seneca Nation and the Tonawanda Band of Senecas on the basis of their respective memberships as of the effective date of this plan.

Enrollment. The Seneca Nation's and the Tonawanda Band's latest approved membership rolls shall be brought current to include all eligible members born on or prior to and living on the effective date of this plan. In the absence of an approved Tonawanda tribal roll the Secretary shall utilize any Tonawanda Band roll acceptable to him.

SENECA NATION SHARE

Subsequent to the preparation and approval of the roll the Secretary shall make a per capita distribution of the totality of the Seneca Nation's share of the funds, including all interest and investment income accrued, in a sum as equal as possible, to each enrollee.

The per capita shares of living competent adults shall be paid directly to them. The per capita shares of legal incompetents shall be placed in Individual Indian Money (IIM) accounts and handled under 25 CFR 104.5. The per capita shares of deceased individual

beneficiaries shall be determined and distributed in accordance with 43 CFR, Part 4, Subpart D.

Minors' per capita shares, including all investment income accruing thereto, shall be retained in individually segregated IIM accounts and shall not be disbursed until the minor attains the age of eighteen years, or the minors' shares, including all investment income, shall be placed in a private trust as approved by the Secretary. In those cases wherein a minor would reach the age of eighteen within six months after establishment of a trust, such funds shall instead be retained in an IIM account. Upon reaching the age of eighteen, unless under a legal disability, the beneficiary shall be entitled to withdraw the per capita share and accrued investment income thereon as provided in 25 CFR 104.3. If a beneficiary is under a legal disability upon attaining the age of eighteen, the per capita share and accrued investment income thereon shall be handled pursuant to 25 CFR 104.5.

Any unclaimed or undeliverable per capita shares shall revert to the Seneca Nation, for general tribal purposes, pursuant to the Act of September 22, 1961, 75 Stat. 584.

TONAWANDA SHARE

The share of the Tonawanda Band, and all interest and investment income accrued on this portion of the funds, shall be held and continued to be invested by the Secretary under the provisions of 25 U.S.C. 162a until such time as a further plan for the disposition of the funds becomes effective after review by Congress.

RAYMOND V. BUTLER,
Acting Commissioner of Indian Affairs.

[FR Doc.77-11590 Filed 4-20-77;8:45 am]

Geological Survey

KNOWN RECOVERABLE COAL RESOURCE AREA

Bowman-Gascoyne, N. Dak.

Pursuant to authority contained in the Act of March 3, 1879 (43 U.S.C. 31), as supplemented by Reorganization Plan No. 3 of 1950 (43 U.S.C. 1451, note), 203 Departmental Manual 1, Secretary's Order No. 2948, and Section 8A of the Mineral Leasing Act of February 25, 1920, as added by Section 7 of the Federal Coal Leasing Amendments Act of 1975 (Pub. L. 94-377, August 4, 1976), Federal lands within the State of North Dakota have been classified as subject of the coal leasing provisions of the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. 201). The name of the area, effective date, and total acreage involved are as follows:

(34) NORTH DAKOTA

Bowman-Gascoyne (North Dakota) Known Recoverable Coal Resource Area; July 12, 1976; 276,783 acres.

A diagram showing the boundaries of the area classified for leasing has been filed with the appropriate land office of the Bureau of Land Management. Copies of the diagram and the land description may be obtained from the Conservation Manager, Central Region, U.S. Geological Survey, MS 609, Box 25046, Federal Center, Denver, CO 80225.

Dated: April 12, 1977.

W. A. RADLINSKI,
Acting Director.

[FR Doc.77-11602 Filed 4-20-77;8:45 am]

KNOWN RECOVERABLE COAL RESOURCE AREA

Dickinson, North Dakota

Pursuant to authority contained in the Act of March 3, 1879 (43 U.S.C. 31), as supplemented by Reorganization Plan No. 3 of 1950 (43 U.S.C. 1451, note), 203 Departmental Manual 1, Secretary's Order 2948, and section 8A of the Mineral Leasing Act of February 25, 1920, as added by section 7 of the Federal Coal Leasing Amendments Act of 1975 (Pub. L. 94-377, August 4, 1976), Federal lands within the State of North Dakota have been classified as subject to the coal leasing provisions of the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. 201). The name of the area, effective date, and total acreage involved are as follows:

(34) North Dakota

Dickinson (North Dakota) Known Recoverable Resource Area (Coal); June 9, 1976; 397,200 acres.

A diagram showing the boundaries of the area classified for leasing has been filed with the appropriate land office of the Bureau of Land Management. Copies of the diagram and the land description may be obtained from the Conservation Manager, Central Region, U.S. Geological Survey, MS 609, Box 25046, Federal Center, Denver, CO 80225.

Dated: April 12, 1977.

W. A. RADLINSKI,
Acting Director.

[FR Doc.77-11603 Filed 4-20-77;8:45 am]

National Park Service

[Order 90]

CHIEF, OFFICE OF ARCHEOLOGY AND HISTORIC PRESERVATION

Authority Delegation

Section 1. *Delegation.* The Chief, Office of Archeology and Historic Preservation, National Park Service, Washington, D.C., is hereby authorized to expand and maintain a national register of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, and culture, known as the National Register, with authority to make determinations as to the eligibility of districts, sites, buildings, structures, and objects for inclusion in such register.

Sec. 2. *Redelegation.* The authority delegated by this order may be redelegated to the Keeper of the National Register.

Sec. 3 *Revocation.* This order supersedes National Park Service Order 85 dated March 29, 1974, and published April 18, 1974 (39 FR 13904).

(Act of August 21, 1935, 49 Stat. 666; sec. 101 (a) (1), Act of October 15, 1966, 80 Stat. 915.)

Dated: April 13, 1977.

GARY EVERHARDT,
Director, National Park Service.

[FR Doc.77-11580 Filed 4-20-77;8:45 am]

Office of the Secretary

COLORADO RIVER STORAGE PROJECT

Proposed Revised General Power Marketing Criteria

Pursuant to Pub. L. 84-485, April 11, 1956 (70 Stat. 105), and by virtue of authority under the Reclamation Project Act of 1939, August 4, 1939 (53 Stat. 1187, 1194, 1198), the Secretary of the Interior, in March 1962, approved a set of power marketing criteria governing the sale of power from the Colorado River Storage Project (CRSP) by the Bureau of Reclamation.

In view of the many changes which have occurred in the past 15 years, it has become necessary to revise and update the present power marketing criteria to reflect those changes. The Bureau of Reclamation, in close cooperation with a liaison committee representing the CRSP preference customers, has formulated revised general power marketing criteria which appear below.

All interested parties wishing to do so should submit their written comments on or before May 9, 1977 to:

Regional Director, Attention: Code 600, Upper Colorado Region, Bureau of Reclamation, Department of the Interior, P.O. Box 11568, Salt Lake City, Utah 84147. Telephone 801-524-5493

Dated: April 8, 1977.

CHRIS FARRAND,
Acting Assistant Secretary of the Interior.

COLORADO RIVER STORAGE PROJECT

GENERAL POWER MARKETING CRITERIA

1. *General.* These criteria are based upon the provisions of the Act of Congress approved June 17, 1902 (32 Stat. 388), the Act of Congress approved August 4, 1939 (53 Stat. 1187), the Act of Congress approved April 11, 1956 (70 Stat. 105), and acts amendatory or supplementary to the foregoing acts, and shall become effective upon approval and promulgation by the Secretary of the Interior, but existing contract arrangements will only be affected upon amendment by the parties. These criteria shall supersede and replace the "General Power Marketing Criteria" for sale of power from CRSP approved March 1962 and continue to be subject to change upon reasonable notice by the Secretary of the Interior and the opportunity for comment by interested parties.

2. *Market Area.* The market area within which the power from CRSP shall be marketed is divided into two divisions:

A. *The Northern Division,* which consists of the States of Colorado, Utah, Wyoming,

the town of Page, Arizona, a portion of the area served by the Navajo Tribal Utility Authority, and White Pine County and portions of Elko and Eureka Counties in Nevada.

B. *The Southern Division*, which consists of the remaining portion of the State of Arizona, that part of the State of Nevada in Clark, Lincoln, and Nye Counties which comprise the southern portion of the State, and that part of the State of California east of the 115th degree of longitude or, generally, the area contiguous to the Colorado River.

3. *Service Seasons*—A. *Summer Season*. The 6-month period from the first day of the April billing period through the last day of the September billing period in any calendar year.

B. *Winter Season*. The 6-month period from the first day of the October billing period of any calendar year through the last day of the March billing period of the next succeeding calendar year.

The establishment of service seasons does not preclude the furnishing of supplemental monthly requirements to CRSP customers in any month.

4. *Power Marketing*. All classes of CRSP power available for marketing shall be stated herein and those entities statutorily entitled to preference will be given preference in the sale of all CRSP power and/or energy. All sales of CRSP power and/or energy to a nonpreference customer for a term longer than one season shall be subject to recapture for the use or benefit of CRSP and its preference customers.

A. *Long-Term Firm Power (Capacity with Energy)*. Long-term firm seasonal capacity available shall be as stated in section 5, and associated energy available therewith will depend upon long-term hydrological conditions on the Colorado River. The greatest practicable amount of available energy that can be sold at firm energy rates will be associated with firm power and made available to contractors on an equitable basis.

B. *Short-term Firm Power (Capacity with Energy)*. To the extent that priority uses as indicated in section 5 do not develop as rapidly as contemplated and/or annual system streamflow conditions exceed those on which the amounts of firm power in section 5 are based, short-term firm power will normally be offered for sale on a season-by-season or monthly basis. Energy availability will depend upon short-term hydrological conditions on the Colorado River and availability of energy from other Reclamation projects. The greatest practicable amount of available energy that can be sold at firm energy rates will be associated with firm power, including short-term firm power, and made available to contractors on an equitable basis.

C. *Long-Term Peaking Power (Capacity without Energy)*. Long-term peaking capacity available shall be as stated in section 5 and will be offered first to preference customers having long-term firm-power contract commitments.

D. *Short-Term Peaking Power (Capacity without Energy)*. To the extent that priority uses as indicated in section 5 do not develop as rapidly as contemplated and/or annual system streamflow conditions exceed those on which the amounts of peaking power in section 5 are based, short-term peaking power without energy will normally be offered for sale on a season-by-season or monthly basis.

E. *Other Power*. In addition to marketing the above classes of power, CRSP will engage in normal transactions such as delivering or receiving interchange, emergency, or maintenance services to the extent hydrological conditions permit. In order to conserve fossil fuel, enhance the environment and ensure the availability to preference customers of contracted amounts of CRSP power and energy, CRSP will purchase or exchange capacity and energy as necessary or desirable to supplement its resources. Interruptible fossil-fuel replacement energy service may be available as a result of these purchases or exchanges.

5. *Power Available for Load*. The minimum capacity available from the project for long-term marketing at the designated points of delivery listed in section 9 shall be 1,324 MW after the addition of the Crystal Dam and Powerplant. Through the 1989 summer season, this capacity will be distributed among the following classes of service:

Purpose	Capacity (MW)	
	Summer	Winter
Federal project priority uses	55	6
Long-term firm	1,161	1,041
Long-term peaking	108	277
Total	1,324	1,324

To the extent the amount available for Federal projects priority uses is not required for such uses, it shall be made available to preference customers as short-term firm power, and Northern Division customers shall be given first right to contract therefor. The amounts shown for priority uses are those required to serve CRSP and participating projects pumping and desalting loads which are expected to develop by 1985 and to firm up Rio Grande Project generation during the summer seasons. The quantities shown will be reexamined prior to expiration of existing contracts and may be modified to adapt to conditions as they exist.

6. *Allotment of Firm Power and Peaking Power*—A. *Firm Power*—(1) *Southern Division*. In April 1963, preference customers in the Southern Division were allotted firm power amounting to 240 MW in the summer season and 84 MW in the winter season, and the allocation was updated in September 1975.

(2) *Northern Division*. The remaining available firm power was allotted to Northern Division preference customers and amounted to 921 MW in the summer season and 957 MW in the winter season.

B. *Peaking Power*. Based on the Southern Division's entitlement of 20 percent of net capacity available for load in the summer and 7 percent in the winter, as provided in the "General Power Marketing Criteria" approved in March 1962 and reaffirmed by these criteria, Southern Division preference customers have been allocated 24,800 kW and 8,700 kW of peaking power, without energy, in the summer and winter seasons, respectively. Northern Division preference customers have been allocated the remainder of the presently proposed allocation of peaking power.

These figures for the Southern Division were determined as follows:

	Summer, megawatt	Winter, megawatt
Total entitlement	(0.2×1,324)=264.8	(0.07×1,324)=92.7
Less firm power entitlement	240.0	84.0
Peaking power entitlement	24.8	8.7

C. *Sale of Peaking Power Not Contracted for by Preference Customers*. Any amounts of peaking power allotment offered to and not accepted by existing firm power preference customers shall be reallocated among those preference customers requesting peaking power. Any amount not contracted for by existing preference customers will be offered for sale to others.

7. *Firm Capacity and Energy Obligations*. The Bureau, in cooperation with the preference customers, will establish mutually agreeable scheduling and accounting practices based upon standard utility industry procedures which will provide efficient practicable utilization of CRSP power and energy, including peaking capacity. These shall be set forth in the CRSP contracts or in separate written agreements made a part thereof. CRSP capacity and energy obligations shall be based on amounts established pursuant to these scheduling and accounting procedures.

A. *Scheduling*—(1) *By Mutual Agreement*. (a) A preseason schedule of the customer's CRSP power and energy requirements (entitlements) by billing period shall be developed at least 60 days prior to the beginning of each season.

(b) Departures from the preseason schedule will be permitted to accommodate changes in customer's seasonal peakloads.

(c) Daily CRSP capacity and energy deliveries shall be scheduled to best satisfy the loads for which they are intended, consistent with the resources available.

(2) In the event of failure to reach mutual agreement, and in order to allow CRSP to schedule major maintenance outages for its plants and to comply with required water releases, treaties, and other requirements, CRSP shall establish schedules of capacity and energy deliveries within the following limitations:

(a) The maximum rate of delivery for CRSP firm and peaking power in each billing period shall be scheduled to follow approximately the customer's system load pattern during each season by months with the full contract rate of delivery for CRSP firm and peaking power being available for the customer's seasonal peakload month(s). The customer shall be obligated to furnish the auxiliary power required to meet its power requirements in excess of the amounts of power scheduled to be furnished by CRSP.

(b) The minimum scheduled rate of delivery for CRSP firm power shall be the least of:

(i) The customer's proportionate share of projected minimum load requirements on the CRSP system; or

(ii) 35 percent of the customer's firm-power rate of delivery; or

(iii) The customer's total load.

(c) The CRSP firm energy obligation shall be 2,550 kilowatts per kilowatt of contract rate of delivery for CRSP firm power per season for the terms of existing power sales contracts.

This established limit may be increased from time to time at CRSP's discretion should short-term conditions allow. In the event that during the terms of existing contracts the established limit shall be increased for any season, it may be decreased in future seasons; but in no event shall it be decreased below 2,550 kWh per kW. The established limit for the season shall be scheduled in each billing period to follow approximately the customer's system energy pattern during each season by months.

B. *Accounting*. The amounts of CRSP power and/or energy to be paid for by the customer

shall be determined in accordance with the accounting procedures set forth in the CRSP contracts or in separate written agreements made a part thereof, and need not be the amounts scheduled pursuant to "A" above. Any deviation between the quantity of energy scheduled and that delivered in a billing period shall be accounted for by increasing or decreasing the entitlement of CRSP energy available to the customer in subsequent months as agreed by the customer and CRSP. Said accounting procedures shall include procedures for determining amounts of CRSP power and energy delivered to the customer at each point of delivery or point of use.

In order to assure the availability of the amounts of firm power and energy contracted for, CRSP will purchase or exchange capacity and/or energy as necessary to meet contract commitments.

.8 *Contractual Arrangements*—A. *Long-Term Firm Power (Capacity with Energy).* Subject to the provisions of section 8D of these criteria, contracts for long-term firm power will be for periods of 20 years unless otherwise mutually agreed.

B. *Short-Term Firm Power (Capacity with Energy).* As water conditions permit, short-term firm power will be offered on a season-by-season or monthly basis.

C. *Peaking Power (Capacity without Energy).* For existing customers with long-term firm-power contract commitments peaking power will be sold for the terms of the existing contracts. Any amounts not contracted for by existing preference customers will be offered first to other preference customers and then to others for periods not to exceed 10 years subject to recapture on not more than 5 years' notice.

D. *Expiration of Contracts.* Long-term firm contract commitments expiring before 1989 will be extended to the end of the September 1989 billing period so that all CRSP long-term firm power and/or long-term peaking power commitments expire concurrently. Joint discussions for extension or renewal of CRSP contracts shall begin by January 1, 1979.

In recognition of the lead time required to place major generation projects in operation, the Bureau will provide a minimum of 5 years' notice should it propose to reduce, upon expiration of a firm-power contract between the Bureau and a customer, the amount of firm power or long-term peaking power allocated to the customer or substantially change the amount of energy available to the customer under the customer's firm power allocation.

Unless otherwise agreed, drafts of contracts or supplements to existing contracts proposed by the Bureau or the customer shall be submitted for review and comment at least one hundred and twenty (120) calendar days prior to the execution deadline of the contract or supplement.

9. *Delivery Conditions.* Subject to Bureau approval as to location and voltage, normal delivery will be made at CRSP transmission system voltages or at the customer's transmission voltage, but not less than 115 kilovolts. Delivery will continue to be made at lower voltages at powerplant and substation locations where customers already have systems operating at such lower voltage level. Designated or Equivalent Federal Points of Delivery will be at:

(a) Points on the CRSP transmission system; or

(b) Points on the system of a non-Federal entity which have been established as delivery points under arrangements between the Bureau and that entity.

If such arrangements are terminated, then the delivery points under (b) above will be rescinded. These points are listed below and may be modified as hereinafter provided.

DESIGNATED OR EQUIVALENT FEDERAL POINTS OF DELIVERY, TAP POINTS, AND VOLTAGES

ARIZONA	
Glen Canyon	69 kV
Mesa	230 kV
Pinnacle Peak[1]	230 kV
COLORADO	
Ault	230 kV
Beaver Creek*	115 kV
North Main Tap (Gunnison)	115 kV
Gore Pass Tap	138 kV
Green Mountain	115 kV
Gunnison	115, 12.5 kV
Hayden	138 kV
Midway	230, 115 kV
Montrose	115 kV
Peublo*	115 kV
Rangley	138 kV
Salida (Poncha Junction)	115 kV
Skito Tap	115 kV
Story*	230 kV
Weld	230, 115 kV
NEW MEXICO	
Albuquerque*	115 kV
Ambrosia Lake*	115 kV
Shiprock	230, 115 kV
UTAH	
Brigham City Tap*	138 kV
Bountiful Tap*	138 kV
Centerfield*	138 kV
Fillmore*	138 kV
Flaming Gorge	69, 24.9 kV
Hale Plant Tap*	138 kV
Hyrum*	138 kV
Murray Tap*	138 kV
Paragonah*	138 kV
Sigurd*	138 kV
Smithfield Tap*	138 kV
South Provo Tap*	138 kV
Springfield*	138 kV
St. George*	138 kV
Vernal	138 kV
Upalco Tap*	138 kV
Henrieville Tap*	230 kV
WYOMING	
Archer	230, 115 kV
Casper*	115 kV
Glenrock*	230, 115 kV
Thermopolis	115 kV
MONTANA	
Yellowtail*	230 kV

[1] Deliveries to Nevada customers made from Pinnacle Peak.

*Points of Delivery on system of non-Federal entity.

The listing of the above Points of Delivery does not imply any obligation for CRSP to furnish additional facilities at those points. Additional delivery points requested by the customers and approved by the Bureau will be permitted provided that they meet the above criteria and will not result in any expense or loss of revenue to CRSP. Delivery will not be made from transformer capacity required for CRSP purposes. Taps on the CRSP or other transmission system, at the customer's expense, will be on a case-by-case basis with final determination of necessity and desirability to be made by CRSP and/or the owner of such transmission system.

Additional delivery points on the systems of other Federal projects may be considered if wheeling charges are promulgated by the Secretary of the Interior as provided in section 10(D) hereof.

10. *Delivery of Power Beyond Delivery Points.* All costs, including losses, for delivery of power and energy beyond the delivery points specified in section 9 hereof shall be borne by the customer. Instances where additional transmission line capacity is required to effect delivery beyond CRSP delivery points will be considered as individual cases to be justified on their own merits. Bureau participation in joint ownership of facilities will be avoided in any plans for providing the additional transmission line facilities.

The following alternatives are available to customers for accomplishing delivery of CRSP power beyond the CRSP system delivery points shown in the table in section 9 hereof:

A. The customer or customers may build all facilities to accept delivery at the established voltage at identified CRSP delivery points, in which case the customer will pay the standard CRSP rates for power.

B. Arrangements may be made with a third party to wheel and deliver power to a customer's point of use. Such arrangements may be made by the Bureau, by the customer, or by a group of customers. If the Bureau makes the wheeling arrangements, the Bureau will add a surcharge to the customer's billing to recover the costs thereof. If the customer makes its own wheeling arrangements, the customer will pay the wheeling charges directly to the wheeling agent.

C. The Bureau may construct the transmission line facilities required beyond the identified CRSP delivery points, in which case a surcharge above the rate for CRSP power at the identified delivery points on the CRSP system will be applied to recover from the beneficiaries thereof the costs of facilities constructed by the Bureau beyond such delivery points.

D. The Bureau will transmit CRSP power to customers over existing transmission systems of other projects to the extent that capacity is determined to be available. Capacity in these other project transmission systems to the extent possible will be available for the term of the CRSP contracts involved. No additional charges will be imposed unless additional substation or switching station capacity is required or where utilization of another project's system would delay project repayment beyond the point in time which would otherwise be the case. At some future date, the Secretary may charge for transmission service for delivery of CRSP power over other Federal systems, such as the Parker-Davis and Pick-Sloan Missouri Basin Projects. The customer will pay for such service at a rate determined by the Secretary which may be assessed as early as 1977 but shall not be later than the termination date of the customer's existing power sales contracts as they may be amended or, in any event, by October 1, 1989.

[FR Doc.77-11519 Filed 4-20-77;8:45 am]

SOUTHEASTERN POWER ADMINISTRATION

Legal Review of Procurement Actions

In accordance with Department of the Interior Procurement Regulations, 41 CFR 14-1.352, Southeastern Power Administration has adopted the following policy and procedures for prior legal review of certain procurement actions.

Prior to issuance by Southeastern Power Administration Contracting Officers, the following procurement documents shall be reviewed for legal sufficiency by the Field Solicitor, Elberton, Georgia, or by the Office of the Regional Solicitor, Atlanta, Georgia:

All solicitations (Invitations for Bids and Requests for Proposals) and resulting contracts for the procurement of supplies and services estimated to cost in excess of the amount set forth below:

1. All formally advertised procurements and negotiated procurements in excess of $10,000;

2. All modifications in excess of $1,000 (excluding modifications to contracts of $10,000 and under);

3. Any procurement or modification less than those stated in 1 and 2 above when the Contracting Officer desires legal review.

Contracting Officers shall additionally request legal review of pertinent documents in the following circumstances:

1. When there are apparent or suspected irregularities in precontract documents such as bids, proposals, or bonds; or when there are any unusual circumstances which might affect the legality of the proposed action;

2. Prior to acceptance of a novation or change of name agreement; or of a notice of assignment, an assignment, or a release of assignment, pursuant to the assignment of Claims Act of 1940, as amended;

3. Prior to release of any communication or Contracting Officer's report relative to a protest, or an alleged mistake in bid, or a determination of bidder nonresponsibility;

4. Prior to execution of findings of fact and final decision made pursuant to the Disputes Clause, notices of termination, cure notices, show cause letters, suspension orders, or other documents which may have special legal effect.

This policy may be modified by written agreement between the Field Solicitor, Elberton, Georgia and the Administrator, Southeastern Power Administration.

Any communications regarding this notice should be addressed to the Administrator, Southeastern Power Administration, Elberton, Georgia 30635.

WILLIAM D. BETTENBERG,
Acting Deputy Assistant Secretary of the Interior.

APRIL 15, 1977.

[FR Doc.77-11621 Filed 4-20-77;8:45 am]

NATIONAL SCIENCE FOUNDATION

SCIENCE FOR CITIZENS ADVISORY COMMITTEE

Notice of Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92-463, the National Science Foundation announces the following meeting:

NAME: Science for Citizens Advisory Committee.

DATE: May 6 and 7, 1977.

TIME: 9 a.m. to 5 p.m. each day.

PLACE: Room 651, 5225 Wisconsin Avenue, NW., Washington, D.C.

TYPE OF MEETING: Open.

FOR FURTHER INFORMATION CONTACT:

Ms. Rachelle Hollander, Program Manager, Science for Citizens, Office of Science and Society, National Science Foundation, Washington, D.C. 20550, telephone 202-282-7770.

SUMMARY MINUTES: May be obtained from the Committee Management Coordination Staff, Division of Personnel and Management, National Science Foundation, Washington, D.C. 20550.

PURPOSE OF COMMITTEE: To provide advice and recommendations concerning the development of Science for Citizens program.

AGENDA: Discussion regarding new directions for Science for Citizens Program.

M. REBECCA WINKLER,
Acting Committee Management Officer.

APRIL 14, 1977.

[FR Doc.77-11741 Filed 4-20-77;10:35 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-237]

COMMONWEALTH EDISON CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 29 to Facility Operating License No. DPR-19, issued to Commonwealth Edison Company (the licensee), for operation of the Dresden Unit No. 2 (the facility) located in Grundy County, Illinois. The amendment is effective as of its date of issuance.

The amendment authorized operation of the reactor beyond the previously analyzed end-of-cycle scram reactivity conditions in accordance with Commonwealth Edison's request dated March 15, 1977.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated March 15, 1977, (2) Amendment No. 29 to License No. DPR-19, (3) the Commission's related Safety Evaluation, and (4) the licensee's filing dated June 11, 1976, in Docket No. 50-265. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Morris Public Library, 604 Liberty Street, Morris, Illinois 60451. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 6th day of April, 1977.

For the Nuclear Regulatory Commission.

DON K. DAVIS,
Acting Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc.77-11287 Filed 4-20-77;8:45 am]

[Docket No. 50-33]

IOWA ELECTRIC LIGHT AND POWER CO., ET AL.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has been issued Amendment No. 31 to Facility Operating License No. DPR-49 issued to Iowa Electric Light and Power Company, Central Iowa Power Cooperative, and Corn Belt Power Cooperative, which revised Environmental Technical Specifications for operation of the Duane Arnold Energy Center, located in Linn County, Iowa. The amendment is effective as of its date of issuance.

The amendment consists of changes to the Environmental Technical Specifications which will revise the Environmental Radioactivity Monitoring Program by replacing one sample point used for obtaining soil, vegetation and milk samples and adding one new sample point.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CRF 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not

be prepared in connection with issuance of this amendment.

For further details with respect to this section, see (1) the application for amendment dated June 9, 1976, (2) Amendment No. 31 to License No. DPR-49, and (3) the Commission's transmittal letter to the licensee. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Cedar Rapids Public Library, 426 Third Avenue, S.E., Cedar Rapids, Iowa 52401.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C., 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 12th day of April 1977.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.77-11289 Filed 4-20-67;8:45 am]

[Docket No. 50-331]

IOWA ELECTRIC LIGHT AND POWER CO., ET AL.

Issuance of Amendment to Facility Operating License

The U.S. Regulatory Commission (the Commission) has issued Amendment No. 30 to Facility Operating License No. DPR-49 issued to Iowa Electric Light and Power Company, Central Iowa Power Cooperative, and Corn Belt Power Cooperative, which revised Technical Specifications for operation of the Duane Arnold Energy Center, located in Linn County, Iowa. The amendment is effective as of its date of issuance.

The amendment revises the Bases portion of the Technical Specifications that will clarify the method used for adjusting the ARPM high flux scram and APRM rod-block settings.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated November 10, 1976, (2) Amendment No. 30 to License No. DPR-49, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Cedar Rapids Public Library, 426 Third Avenue, SE., Cedar Rapids, Iowa 52401.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 14th day of April 1977.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.77-11288 Filed 4-20-77;8:45 am]

[Docket No. 50-289]

METROPOLITAN EDISON CO., ET AL.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 28 to Facility Operating License No. DPR-50, issued to Metropolitan Edison Company, Jersey Central Power and Light Company and Pennsylvania Electric Company (the licensees), which revised Technical Specifications for operation of the Three Mile Island Nuclear Station, Unit No. 1 (the facility) located in Dauphin County, Pennsylvania. The amendment is effective as of its date of issuance.

This amendment modifies the provisions of the Technical Specifications to increase the setpoint for reactor trip initiated by high reactor coolant system pressure and increases the relief setting of the ASME Code-required safety valves installed on the pressurizer for Cycle 3 operation.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated October 8, 1976, as supplemented October 21, 1976 and February 3, 1977, (2) Amendment No. 28 to License No. DPR-50, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Government Publications Section, State Library of Pennsylvania, Box 1601 (Education Building), Harrisburg, Pennsylvania.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 6th day of April 1977.

For the Nuclear Regulatory Commission.

MORTON B. FAIRTILE,
Acting Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc.77-11290 Filed 4-20-77;8:45 am]

[Docket No. 50-320]

METROPOLITAN EDISON CO.

Order

In the matter of Metropolitan Edison Co., Jersey Central Power & Light Co., and Pennsylvania Electric Co. (Three Mile Island Nuclear Station, Unit No. 2).

The evidentiary hearing in this proceeding will commence on Monday, May 2, 1977, at 9:30 a.m. at the U.S. Federal Building and Courthouse, Courtroom No. 2 (9th Floor), 3rd and Walnut Streets, Harrisburg, Pennsylvania. The hearings will continue through Friday, May 6. Thereafter, hearings will resume on Monday, May 9 and will continue through Tuesday, May 10, 1977.

So ordered.

Dated at Bethesda, Maryland, this 14th day of April 1977.

The Atomic Safety and Licensing Board.

EDWARD LUTON,
Chairman.

[FR Doc.77-11318 Filed 4-20-77;8:45 am]

[Docket No. STN 50-437]

OFFSHORE POWER SYSTEMS (MANUFACTURING LICENSING FLOATING NUCLEAR POWER PLANTS)

Order Granting in Part Applicant's Motion (No. 6) To Establish Schedule

Applicant's Motion (No. 6) To Establish Schedule dated March 17, 1977 is allowed in part and denied in part as hereinafter reflected.

1. Public hearing will be resumed on May 9, 1977 at 1:30 p.m. at the following location:

NRC Public Hearing Room, 5th Floor, East-West Towers Building, 4350 East-West Highway, Bethesda, Maryland 20014.

Thereafter, commencing at 9:30 a.m., the hearing will continue on May 10 through May 13. In the second week, the

hearing will be resumed on May 16 at 1:30 p.m., and thereafter, commencing at 9:30 a.m., the hearing will continue on May 17 through May 20.

2. Pursuant to § 2.718(h), a conference (in the nature of a prehearing conference) will be held on May 9 at the time and location specified in paragraph 1, supra, and will continue, if necessary, on May 10 to consider the Motions To Amend and Extend Contention submitted on November 19, 1976 by ACCCE, Atlantic County, NRDC and by the City of Brigantine. The Staff shall notify the Board and the parties immediately whether or not any of these proposed amended and expanded contentions will be affected by the Staff's forthcoming addendum to Part II of the FES.

3. After the prehearing conference mentioned in paragraph 2, supra, testimony will be taken seriatim on the following contentions: [1]

a. Turbine generator matters. (Cross-examination of Applicant's panel will be concluded, and the Staff's panel's direct testimony will be presented).

b. ACCCE Contention X (Ice Containment).

c. Atlantic County Contention 1 (Impact on Resort Economics).

Pursuant to 10 CFR § 2.743(b), those parties desiring to submit written direct testimony upon Atlantic County Contention 1 (Impact on Resort Economics) must do so on or before May 2, 1977.

It is so ordered.

Dated at Bethesda, Maryland, this 12th day of April, 1977.

For the Atomic Safety and Licensing Board.

SHELDON J. WOLFE,
Chairman.

[FR Doc.77-11291 Filed 4-20-77;8:45 am]

[Docket No. 50-333]

POWER AUTHORITY OF THE STATE OF NEW YORK AND NIAGARA MOHAWK POWER CORP.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 21 to Facility Operating License No. DPR-59, issued to Power Authority of the State of New York and Niagara Mohawk Power Corporation (the licensees), which revised Technical Specifications for operation of the James A. FitzPatrick Nuclear Power Plant (the facility) located in Oswego County, New York. The amendment is effective as of its date of issuance.

The amendment provides for a reduction in the safety limit minimum critical power ratio from 1.06 to 1.05.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter 1, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Facility Operating License in connection with this action was published in the FEDERAL REGISTER on June 10, 1976 (41 FR 23492). No request for a hearing or petition for leave to intervene was filed following notice of proposed action.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment submitted by letter dated May 19, 1976, as supplemented August 13, 1976, (2) Amendment No. 21 to License No. DPR-59, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Oswego County Office Building, 46 E. Bridge Street, Oswego, New York 13126.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 5th day of April 1977.

For the Nuclear Regulatory Commission.

MORTON B. FAIRTILE,
Acting Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc.77-11293 Filed 4-20-77;8:45 am]

[Docket No. 50-344]

PORTLAND GENERAL ELECTRIC CO., ET AL.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 13 to Facility Operating License No. NPF-1 issued to Portland General Electric Company, the City of Eugene, Oregon, and Pacific Power and Light Company which revised Technical Specifications for operation of the Trojan Nuclear Plant (the facility), located in Columbia County, Oregon. The amendment is effective as of its date of issuance.

This amendment changes the maximum internal containment pressure to 1.6 pounds per square inch (gauge pressure) during normal facility operation.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated December 10, 1976, (2) Amendment No. 13 to License No. NPF-1 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the Columbia County Courthouse, Law Library, Circuit Court Room, St. Helens, Oregon 97051. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 7th day of April 1977.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc.77-11292 Filed 4-20-77;8:45 am]

[Docket Nos. 50-522 and 50-523]

PUGET SOUND POWER AND LIGHT COMPANY, ET AL. (SKAGIT NUCLEAR POWER PROJECT, UNITS 1 AND 2)

Order Convening Evidentiary Hearing on May 11, 1977

The Atomic Safety and Licensing Board, at the request of the Applicants, and with notice to and discussion with all parties, tentatively reserved the dates of May 2 through May 13, 1977 for further evidentiary hearings.

The Regulatory Staff has filed a suggestion that a two-day hearing be convened within the foregoing period in which to consider the factual disputes raised by Applicants' request for au-

[1] Applicant requests that we hear at this session ACCCE's Contention 3a (Effect on Biota), Contention 3b (Functional Design of Discharge Outfall), Contention 3c (Food Chain), and Contention 3f (Dredging). However, the time is not ripe to hear these environmental contentions because Part III of the FES has not been issued which will relate to postulated accidental releases of radioactivity into liquid pathways from floating nuclear plants, and because Staff has not completed an addendum to Part II of the FES which will contain its analysis and conclusions regarding the environmental impact of riverine and estuarine siting of nuclear plants.

thorization for certain pre-LWA construction pertaining to a widening of a portion of a highway and construction of a 4.5 mile sanitary sewer line along the route of the Skagit River. In addition to that factual matter, the Staff filing asserts a theory respecting no conflict with the Wild and Scenic Rivers Act. That Act precludes federal agencies from assisting "* * * by loan, grant, license, or otherwise in the construction of any water resources project that will have a direct and adverse effect on the values for which such river might be designated, as determined by the Secretary responsible for its study or approval * * *." The Staff theory is that the Atomic Safety and Licensing Board has jurisdiction to consider Applicants' request for pre-LWA authority, in the light of the Commission's Wolf Creek decision that Boards have jurisdiction over service facility construction, which, although directly associated with and attributed to a nuclear power plant occurs away from its immediate location. The Staff theory then proceeds to the view that the Board can also determine that it has no jurisdiction over the proposed pre-LWA activities if the environmental impact thereof is only trivial.

Respecting this Staff theory, the Board requests all parties to submit a legal brief at or before the date for convening this evidentiary hearing, whether the grant of a request in a licensing proceeding is a licensing action, and if so, whether such action of a determination of some, even if trivial environmental impact, constitutes assistance which is precluded by the Wild and Scenic Rivers Act. The Staff has mentioned in its filing that an opinion of the counsel for the Department of Agriculture whose Secretary considers Wild and Scenic Rivers matters was previously procured to determine that LWA activities cannot be licensed without conflict with the Wild and Scenic Rivers Act; the Board requests the Staff to procure an opinion from the same counsel respecting the proposed pre-LWA activities.

Wherefore, *it is ordered*, in accordance with the Atomic Energy Act, as amended, and the Rules of Practice of the Nuclear Regulatory Commission, that a session of evidentiary hearings in this proceeding shall convene at 9 a.m. on Wednesday, May 11, 1977 in Room 514 of the New Federal Building, 915—Second Avenue, Seattle Washington to consider the request of Applicants for authority to construct pre-LWA projects as described herein.

Issued: April 12, 1977, Bethesda, Maryland.

ATOMIC SAFETY AND LICENING BOARD,
SAMUEL W. JENSCH,
Chairman.

[FR Doc.77-11294 Filed 4-20-77;8:45 am]

[Docket No. STN 50-495]

STONE & WEBSTER ENGINEERING CORP.

Reference Safety Analysis Report for SWESSAR-1 Balance-of-Plant Standard Design and its Relationship to the RESAR-3S Standard Design Issuance of a Safety Evaluation Report and Preliminary Design Approval

Notice is hereby given that the staff of the Nuclear Regulatory Commission (the NRC staff) has issued a Safety Evaluation Report (SER) dated March, 1977 and a Preliminary Design Approval No. PDA-8 dated March 31, 1977 for the reference system design of a balance-of-plant portion of a pressurized water reactor nuclear power plant, utilizing the Wetsinghouse RESAR-3S nuclear steam supply system design, and as described in the application by Stone & Webster Engineering Corporation (SWESSAR-P1). The SWESSAR-P1/RESAR-3S balance-of-plant design was reviewed by the NRC staff pursuant to Appendix O to 10 CFR Part 50. Notice of receipt of the SWESSAR-P1 Safety Analysis Report was published in the FEDERAL REGISTER on July 17, 1974 (39 FR 26194).

The SWESSAR-P1 Safety Analysis Report contains preliminary design information for the balance-of-plant portion of a standard plant, including by reference the design of a number of standard nuclear steam supply systems. This SER presents the NRC staff's evaluation of the SWESSAR-P1 design and its relationship to the RESAR-3S standard nuclear steam supply system design, described in the Westinghouse Electric Corporation Standard Safety Analysis Report (RESAR-3S), Docket No. STN 50-545. A Safety Evaluation Report (NUREG-0104) and a Preliminary Design Approval No. PDA-7 were issued in December, 1976 for RESAR-3S.

The Safety Evaluation Report documents the results of the NRC staff's review and evaluation of the SWESSAR-P1 design, and its relationship to the RESAR-3S NSSS design, including Amendments 1 through 31 thereto, and addresses the comments of the Advisory Committee on Reactor Safeguards as reflected in its report to the Commission dated August 18, 1976.

PDA-8 provides NRC staff approval of the preliminary balance-of-plan design described in SWESSAR-P1, and its relationship to the RESAR-3S NSSS design. By the issuance of PDA-8, the NRC staff has determined that the information provided in SWESSAR-P1 (and its relationship to the RESAR-3S NSSS design) is acceptable for referencing in utility applications for construction permits. The SWESSAR-P1 balance-of-plant design and the RESAR-3S NSSS design shall be utilized by and relied upon by the NRC staff and the Advisory Committee on Reactor Safeguards in their review of facility license applications for construction permits incorporating by reference SWESSAR-P1/RESAR-3S preliminary standard design, unless there exists significant new information which substantially affects the determinations in PDA-8 or other good cause.

Issuance of PDA-8 and the staff's Safety Evaluation Report does not constitute a commitment to issue a permit or license, or in any way affect the authority of the Commission, Atomic Safety and Licensing Appeal Board, Atomic Safety and Licensing Boards, and other presiding officers in any proceeding under Subpart G of 10 CFR Part 2. This action only approves, subject to the conditions set forth in PDA-8, the design of a facility for use for reference purposes in applications for permits to construct a nuclear power plant. It does not authorize the construction or operation of any nuclear power plant or any other facility. The environmental impacts associated with any facility proposed to be constructed utilizing the approved reference design will be considered in accordance with the Commission's regulations in 10 CFR Part 51.

PDA-8 is effective as of its date of issuance and shall expire December 30, 1979 unless earlier susperseded by issuance of an appropriate Final Design Approval for the SWESSAR-P1/RESAR-3S standard design, or unless extended by the NRC staff. The expiration of PDA-8 on December 30, 1979 shall not affect use of PDA-8 for reference in any construction permit application docketed prior to such date.

A copy of the (1) Preliminary Design Approval No. PDA-8 dated March 31, 1977; (2) the report of the Advisory Committee on Reactor Safeguards dated August 18, 1976; (3) the NRC staff's Safety Evaluation Report, NUREG-0076 dated March, 1977; (4) Stone & Webster Engineering Corporation's Standard Safety Analysis Report, including Amendments 1 through 31 thereto; and (5) WASH-1341, the Commission's "Programmatic Information for the Licensing of Standardized Nuclear Power Plants," dated August 1974, which also includes the Standardization Policy issued on March 5, 1973, are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. 20555. A copy of PDA-8 may be obtained upon request. The request should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Project Management. Copies of the Safety Evaluation Report, NUREG-0076, may be purchased at current rates from the National Technical Information Service, Springfield, Virginia 22161.

Dated at Bethesda, Maryland, this 31st day of March 1977.

For the Nuclear Regulatory Commission.

JOHN F. STOLZ,
Chief, Light Water Reactors Branch No. 1, Division of Project Management.

[FR Doc.77-11295 Filed 4-20-77;8:45 am]

[Docket No. 50-271]

VERMONT YANKEE NUCLEAR POWER CORP.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 34 to Facility Operating License No. DPR-28, issued to Vermont Yankee Nuclear Power Corporation (the licensee), which revised Technical Specifications for operation of the Vermont Yankee Nuclear Power Station (the facility) located near Vernon, Vermont. The amendment is effective as of its date of issuance.

This amendment replaces the existing operating Minimum Critical Power Ratio (MCPR) limit for 8x8 fuel with an operating MCPR limit dependent on fuel exposure.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated December 3, 1976, as supplemented March 17, 1977, (2) Amendment No. 34 to License No. DPR-28, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington D.C. and at the Brooks Memorial Library, 224 Main Street, Brattleboro, Vermont.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 8th day of April 1977.

For the Nuclear Regulatory Commission.

GERALD B. ZWETZIG,
Acting Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc.77-11296 Filed 4-20-77;8:45 am]

[Dockets Nos. 50-280 and 50-281]

VIRGINIA ELECTRIC & POWER CO.

Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 31 and 30 to Facility Operating Licenses Nos. DPR-32 and DPR-37 issued to Virginia Electric & Power Company (the licensee), for operation of the Surry Power Station Units Nos. 1 and 2 (the facilities), located in Surry County, Virginia. The amendments are effective as of the date of issuance.

These amendments add a condition to the licenses relating to the loss-of-coolant accident (LOCA) reanalysis with 20 percent of the steam generator tubes plugged.

The Commission has made appropriate findings as required by the Atomic Energy Act of 1954, as amended, and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the licensee's filings dated March 4, 1977, as supplemented March 31, 1977, (2) Amendments Nos. 31 and 30 to Licenses Nos. DPR-32 and DPR-37, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Swem Library, College of William and Mary, Williamsburg, Virginia.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 1st day of April, 1977.

For the Nuclear Regulatory Commission.

MORTON B. FAIRTILE,
Acting Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc.77-11297 Filed 4-20-77;8:45 am]

[Docket No. 50-281]

VIRGINIA ELECTRIC AND POWER CO. (SURRY POWER STATION, UNIT NO. 2)

Order for Modification of License

I

Virginia Electric and Power Company (the Licensee), is the holder of Facility Operating License No. DPR-37 which authorizes the operation of the nuclear power reactor known as Surry Power Station, Unit No. 2 (the facility) at steady state reactor power levels not in excess of 2441 thermal megawatts (rated power). The reactor is a pressurized water reactor (PWR) located at the Licensee's site in Surry County, Virginia.

II

On November 26, 1976, the staff issued Amendment No. 26 to License No. DPR-37 which addressed operation of Surry Power Station Unit No. 2 under conditions in which steam generator tubes have been plugged as a result of tube denting caused by corrosion of the tube support plate in the annular spaces between tube and the tube support plate. In order to perform an inspection of the steam generators, Amendment No. 26 limited operation to 61 equivalent days. The licensee has since that time submitted an inspection program dated February 11, 1977 and has shutdown to perform the inspection. The NRC staff has evaluated the results of the inspection program and has assessed continued safe operation of the facility. This evaluation is set forth in the staff's concurrently issued Safety Evaluation relating to steam generator tube integrity.

With respect to the effect of increased stress in the tube support plate as a result of tube support plate growth, the staff has concluded that neither buckling of the tube support plate nor damage to the steam generator shell through the wrapper and channel spacer would develop.

Continued growth of the tube support plate continues to impose stresses on the tubes and may result in the development of stress corrosion cracks in denting locations. The staff has considered the effect of the development of stress corrosion cracking during the course of operation of this facility, and has assessed the effect of such cracks in conjunction with steam line break and loss of coolant accident events. The staff has concluded that under the additional limitations on tube leakage set forth in this Order, the effect of continued denting on the consequences of the steam line break event would be a fraction of Part 100, and the effect on continued denting on LOCA events would not be significant. These events are of extremely low probability, and would be especially so for the limited period covered by this Order. The additional limitations set forth in this Order will provide reasonable assurance that the public health and safety will not be endangered.

After discussion with the staff the licensee has proposed in his February 11, 1977, submittal to modify the limitations applicable to this facility in the manner set forth in this Order. The NRC staff believes that the licensee's actions, under the circumstances are appropriate and should be confirmed by NRC order.

Copies of the following documents are available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555, and at the Swem Library, College of William and Mary, Williamsburg, Virginia, (1) Licensee's submittals of October 25, 1976, January 3 and 14, 1977, February 4 and 11, 1977, March 21 and 30, 1977, (2) License Amendment No. 26 to DPR-37 dated November 26, 1976, (3) this Order for Modification of License. In the Matter of Virginia Electric and Power Company, Surry Power Station,

Unit No. 2, Docket No. 50-281, and (4) the Commission's concurrently issued Safety Evaluation supporting this Order.[1]

III

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's Rules and Regulations in 10 CFR Parts 2 and 50, *It is ordered*, That Facility Operating License No. DPR-37 is hereby amended by replacing in its entirety existing paragraph 3.E. of the license with the following:

E. *Steam Generator Inspection.* (1) Unit No. 2 shall be brought to the cold shutdown condition in order to perform an inspection of the steam generators within four equivalent months of operation from April 1, 1977. Nuclear Regulatory Commission approval shall be obtained before resuming power operation following this inspection.

For the purpose of this requirement, equivalent operation is defined as operation with a primary coolant temperature greater than 350° F.

(2) Primary system leakage shall be limited to 1.0 gpm and primary to secondary leakage through the steam generator tubes shall be limited to 0.3 gpm per steam generator, as described in the Safety Evaluation. With any steam generator tube leakage greater than this limit the reactor shall be brought to the cold shutdown condition within 24 hours. Nuclear Regulatory Commission approval shall be obtained before resuming reactor operation.

(3) Reactor operation will be terminated if primary to secondary leakage which is attributable to 2 or more tubes occurs during a 20 day period. Nuclear Regulatory Commission approval shall be obtained before resuming reactor operation.

(4) The concentration of radioiodine in the primary coolant shall be limited to 1 μCi/gram during normal operation and to 10 μCi/gram during power transients as defined in the concurrently issued addition of Appendix A-1 to the Technical Specifirations of the license.

Dated in Bethesda, Maryland, this 1st day of April 1977.

For the Nuclear Regulatory Commission.

BEN C. RUSCHE,
Director, Office of Nuclear Reactor Regulation.

[FR Doc.77-11298 Filed 4-20-77;8:45 am]

[Docket Nos. STN 50-508 and STN 50-509]

WASHINGTON PUBLIC POWER SUPPLY SYSTEM, ET AL. (WPPSS NUCLEAR PROJECTS NO. 3 AND NO. 5)

Assignment of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR § 2.787 (a), the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for this construction permit proceeding:

Jerome E. Sharfman, Chairman
Richard S. Salzman
Dr. W. Reed Johnson

Dated: April 12, 1977.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc.77-1129 Filed 4-20-77;8:45 am]

[Docket No. 50-564]

EXXON NUCLEAR COMPANY, INC. (NUCLEAR FUEL RECOVERY AND RECYCLING CENTER)

Supplemental Notice and Order Relative to Special Prehearing Conference

By Order issued April 4, 1977, the Board scheduled a special prehearing conference on April 28, 1977, and stated therein that the time and place would be noticed later.

Take Notice, the special prehearing conference will commence at 9 a.m. (local time) at the Holiday Inn, 2000 Chapman Highway, Knoxville, Tennessee 37920.

It is so ordered.

Dated at Bethesda, Md., this 15th day of April 1977.

For the Atomic Safety and Licensing Board.

SHELDON J. WOLFE, Esquire,
Chairman.

[FR Doc.77-11662 Filed 4-20-77;8:45 am]

[Docket No. P-533A]

VERMONT ELECTRIC COOP., ET AL.

Receipt of Attorney General's Advice and Time for Filing of Petitions to Intervene on Antitrust Matters

The Commission has received, pursuant to section 105c of the Atomic Energy Act of 1954, as amended, the following advice from the Attorney General of the United States, dated April 11, 1977:

This shall constitute our further advice pursuant to section 105 of the Atomic Energy Act of 1954, as amended, in regard to the above-captioned application.

On November 10, 1975, we advised the Commission that on review of the information submitted by the lead applicants, New England Power Company, Massachusetts Electric Company, the Narragansett Electric Company, and Granite State Electric Company, for themselves, as well as other information relating to electric utility competition in New England, did not indicate any need for an antitrust hearing on this nuclear facility. You have now provided us with antitrust information submitted by three other applicants, Vermont Electric Cooperative, Bangor Hydro-Electric Company, and Taunton Municipal Lighting Plant.

Bangor Hydro serves electric customers in Eastern Maine and had a 1975 peak load of 177.8 MW. Bangor Hydro's share of the New England Power Units is 1.22 percent, approximately 28 MW. Vermont Electric Cooperative serves rural areas in northern Vermont primarily, and had a peak load of 2.38 MW in 1975. Vermont's share of the units will be 0.2 percent, approximately 4.6 MW. Taunton, which supplies electric power in the Taunton, Massachusetts area, will own a 0.5 percent share of the Units, approximately 12.5 MW. In 1976, Taunton experienced a peak load of 62 MW.

Our review of the information submitted by these three new applicants, as well as other relevant information, has disclosed no basis upon which to change our earlier conclusion that an antitrust hearing will not be necessary in this matter.

Any person whose interest may be affected by this proceeding may, pursuant to section 2.714 of the Commission's "Rules of Practice," 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed by May 21, 1977, either: (1) by delivery to the NRC Docketing and Service Section at 1717 H Street NW., Washington, D.C., or (2) by mail or telegram addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attn: Docketing and Service Section.

For the Nuclear Regulatory Commission.

JEROME SALTZMAN,
Chief, Antitrust and Indemnity Group, Nuclear Reactor Regulation.

[FR Doc.77-11663 Filed 4-20-77;8:45 am]

REGULATORY GUIDE

Issuance and Availability

The Nuclear Regulatory Commission has issued a new guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 3.34, "Assumptions Used for Evaluating the Potential Radiological Consequences of Accidental Nuclear Criticality in a Uranium Fuel Fabrication Plant," lists appropriately conservative assumptions for use in evaluating the magnitude and radiological consequences of a criticality accident in a uranium fuel fabrication plant. These assumptions are based on previous accident experience, engineering judgment, and analysis of applicable experimental results from safety research programs.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Public comments on Regulatory Guide 3.34 will, however, be particularly useful in evaluating the need for an early revision if received by June 15, 1977.

Comments should be sent to the Secretary of the Commission, U.S. Nuclear

[1] A copy of items (2), (3), and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a).)

Dated at Rockville, Maryland this 11th day of April 1977.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office of Standards Development.

[FR Doc.77-11300 Filed 4-20-77;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Proposed Meetings

In order to provide advance information regarding proposed meetings of ACRS Subcommittees and Working Groups and of the full Committee, the following preliminary schedule is being published. This preliminary schedule reflects the current situation, taking into account additional meetings which have been scheduled and meetings which have been postponed or cancelled since the last list of proposed meetings published in FR Vol. 42, March 24, 1977, page 15982. Those meetings that are definitely scheduled have had, or will have, an individual notice published in the FR approximately 15 days (or more) prior to the meeting. Those Subcommittee and Working Group meetings for which it is anticipated that there will be a portion or all all of the meeting open to the public are indicated by an asterisk (*). It is expected that the sessions of the full Committee meeting designated by an asterisk (*) will be open in whole or in part to the public. Information as to whether a meeting has been firmly scheduled, cancelled or rescheduled, or whether changes have been made in the agenda for the May 5–7, 1977 ACRS full Committee meeting can be obtained by a prepaid telephone call to the Office of the Executive Director of the Committee (telephone 202/634–1374, Attn: Mary E. Vanderholt) between 8:15 a.m. and 5:00 p.m., EST (prior to April 24) and EDT (after April 24).

SUBCOMMITTEE AND WORKING GROUP MEETINGS

**Emergency Core Cooling Systems (ECCS)*, April 22–23, 1977, Washington, D.C. The Subcommittee will meet on April 22 with representatives of the NRC Staff and its consultants, and with representatives of other organizations such as those from the reactor vendors and from the Electric Power Research Institute to discuss fundamental research for understanding phenemona associated with ECCS. On April 23, Subcommittee will meet in Executive Session to discuss a variety of topics concerning emergency core cooling systems and methods that the Subcommittee might use to review these topics. Notices of these meetings were published in FR Vol. 42, Thursday, April 7, 1977.

**Clinch River Breeder Reactor*, April 27, 1977, Washington, D.C. Postponed indefinitely.

**Siting Evaluation*, April 27–28, 1977 (formerly scheduled for April 28 only), Washington, DC. The Subcommittee will meet with representatives of the NRC Staff to discuss general nuclear facility siting considerations including safety considerations involved in the siting of liquid metal fast breeder reactors as well as those of light water reactors. Notices of this meeting were published in FR Vol. 42, on Thursday, April 7 and Monday, April 18, 1977.

**Clinch River Breeder Reactor*, April 29–30, 1977, Chicago, IL. Postponed Indefinitely.

**Regulatory Activities*, May 4, 1977 (morning), Washington, DC. The Subcommittee will meet with representatives of the NRC Staff to discuss working papers regarding future Regulatory Guides. Notice of this meeting was published in FR Vol. 42, Monday, April 18, 1977.

**Fire Protection and Regulatory Activities*, May 4, 1977 (afternoon), Washington, DC. The Working Group on Fire Protection and the Subcommittee on Regulatory Activities will hold a joint meeting to discuss a proposed revision to Regulatroy Guide 1.120, "Fire Protection Guidelines for Nuclear Power Plants." Notice of this meeting was published in FR Vol. 42, Monday, April 18, 1977.

**Reactor Safety Study*, May 4, 1977 (late afternoon), Washington, DC. The Working Group will meet to consider further ACRS action regarding the reactor safety study WASH–1400 (NUREG–75/014). Notice of this meeting was published in FR Vol. 42, Monday, April 18, 1977.

**Decommissioning of Nuclear Plants*, May 11, 1977, Washington, DC. Postponed. It is anticipated that this meeting will be scheduled sometime in June, 1977.

**Zion Generating Station, Units 1 and 2*, May 17, 1977, Kenosha, WI (previously announced as being held in Zion, IL). The Subcommittee will meet to review the status of items identified in the ACRS letter on the Zion Generating Station, dated June 9, 1976.

**Reactor Fuel*, May 20, 1977, Washington, DC. The Subcommittee will meet with representatives of the NRC Staff to discuss a variety of subjects pertaining to reactor fuels including, for example, fuel surveillance and effect of fission gas release rates for burnup of 20,000 MWD/T.

**Fluid/Hydraulic Dynamic Effects*, May 25–26, 1977, Los Angeles, CA. The Subcommittee will meet to consider reactor pressure blowdown forces and water hammer effects. The specific subjects to be considered will be announced later.

**General Atomic Standard Safety Analysis Report (GASSAR–6)/Gas-Cooled Fast Breeder Reactor (GCFBR)*, June 1–2, 1977 (tentative), San Diego, CA. The Subcommittee will meet to begin the review of proposed designs.

**Regulatory Activities*, June 8, 1977, Washington, DC. The Subcommittee will meet to review working papers, future Regulatory Guides, and changes to existing Regulatory Guides; also, to discuss pertinent activities which affect the current licensing process and/or reactor operations.

**Diablo Canyon Nuclear Station, Units 1 and 2*, June 21–23, 1977, Los Angeles, CA. The Subcommittee will meet to continue its review of the seismic design and other aspects of the application for an operating license.

FULL COMMITTEE MEETINGS

MAY 5–7, 1977

*Phipps Bend Nuclear Power Plant, Units 1 and 2, Construction Permit Review.

JUNE 9–11, 1977

Agenda to be announced.

Dated: April 19, 1977.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.77-11727 Filed 4-20-77;9:39 am]

REGULATION OF THE MEDICAL USE OF RADIOISOTOPES BY NRC AND ADVISORY COMMITTEE ON MEDICAL USES OF ISOTOPES

Public Meetings

I. The NRC's Offices of Nuclear Material Safety and Safeguards and Standards Development will hold a meeting from 9:00 a.m. to 12:00 p.m. on May 6, 1977, in Room 150, Willste Building, 7915 Eastern Avenue, Silver Spring, Maryland, to receive comments from interested members of the public on NRC's role in the regulation of the medical use of radioisotopes, including nuclear medicine, teletherapy and brachytherapy.

II. The NRC's Advisory Committee on the Medical Uses of Isotopes will hold a meeting from 2:00 p.m. to 5:00 p.m. on May 6, 1977, at the same location (in accordance with the Atomic Energy Act of 1954, as amended, primarily Section 161a, and with Pub. L. 92–463, the Federal Advisory Committee Act, with Executive Order 11769 and 10 CFR Part 7 of the Commission's regulations).

The common purpose of both meetings is to receive information that the Commission can use in connection with deciding future NRC policy in regulating the medical use of radioisotopes and to

provide a basis for possible future rule making actions.

The NRC staff is asking the public, medical licensees, peer groups, Agreement States, non-Agreement States, other federal agencies and the Advisory Committee on the Medical Uses of Isotopes, to provide their views on the following aspects of the medical use of radioisotopes:

To what extent should the protection of the patient be considered in NRC's regulation of the medical use of byproduct material? Areas of possible regulatory involvement by the NRC in this area include:

1. Evaluation of the physician's clinical qualifications,
2. Selection of patients for diagnostic or therapeutic procedures,
3. Selection of instruments to be used in performing diagnostic or therapeutic procedures,
4. Selection of radioactive drugs or devices to be used,
5. Selection of procedures to be performed,
6. Selection of dose level (quantity of radioactive material or radiation dose) to be used,
7. Proper measurements of the dose the patient receives,
8. Calibration of dianostic equipment and dose-measuring instrumentation,
9. Qualifications of paramedical personnel, such as technologists, nurses, radiopharmacists and radiological physicists, and
10. Reporting to NRC, the patient and/or the patient's physician, misadministration of radioactive material or radiation from devices incorporating radioactive material.

This list is not exhaustive, but provides examples of the areas that the NRC now regulates or might consider for future regulation. Comments and views do not have to be limited to areas stated above.

In providing views on the questions posed, consideration should be given to:

1. The physician's right to exercise his professional judgment in the practice of medicine,
2. The patient's right to competent medical care and protection against unnecessary radiation exposure,
3. The NRC's responsibility to regulate so as to protect the public health and safety, and
4. Possible involvement of other federal, state or local regulatory bodies, or professional peer groups.

Responses should not be limited in scope. Commentary on the current regulatory practices of NRC, other federal agencies, state agencies or peer groups and suggestions for future improvements are solicited. This is not a simple survey of opinion, but rather an endeavor to develop a broad base for a Commission decision as to the necessary and proper role of NRC in the regulation of the medical use of radioisotopes. To that end, it will be helpful if responses include the reasons for a particular point of view or recommended course of action.

For further information, the staff has made available to the public a background paper that describes the major steps in the control of nuclear medicine and the respective roles of NRC and other federal and state agencies and peer groups. This paper, titled "Background on the Regulatory Control of the Medical Use of Radioisotopes" is available for inspection at the Commissions Public Document Room, 1717 H Street, N.W., Washington, D.C. Single copies (which may be reproduced) may be obtained upon request to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

MEETING DETAILS

The morning meeting will provide a forum for hearing comments from interested members of the public. Persons desiring to submit written statements may do so by mailing a copy postmarked, if possible, no later than May 2, 1977, to Mr. Richard E. Cunningham, Acting Director, Division of Fuel Cycle and Material Safety, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Minutes of the meeting will be kept open for 30 days for the receipt of written statements for the record.

Those persons submitting a written statement in accordance with the procedures above will have an opportunity to make oral statements concerning the written statement. Any person who intends to make an oral statement should notify Mr. Richard E. Cunningham, telephone (301) 427-4458 between 9:00 a.m. and 5:00 p.m. Eastern Time, by May 4, 1977. Oral statements should be limited to ten minutes each.

The afternoon public meeting will provide a forum for discussion among the members and consultants of the Advisory Committee on the Medical Uses of Isotopes. The Commission has designated Mr. Richard E. Cunningham, Acting Director, Division of Fuel Cycle and Material Safety, U.S. Nuclear Regulatory Commission, to serve as Chairperson of the Advisory Committee meeting. Mr. Richard E. Cunningham is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business. Since the Advisory Committee will attend the morning public meeting, separate formal presentations from the public to the Advisory Committee will not be necessary, although discussion from the floor will be permitted at the discretion of the chairperson.

Copies of the minutes of both meetings will be made available for public inspection on or after June 13, 1977, at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555.

Persons desiring additional information regarding the meeting should contact Mr. Richard E. Cunningham.

Dated at Washington, D.C., this 19th day of April 1977.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.77-11728 Filed 4-20-77;9:39 am]

[1] Written solicitations will be sent to the following peer groups; however, all interested groups are encouraged to participate: Society of Nuclear Medicine; American Board of Nuclear Medicine; American Board of Radiology; American College of Radiology; American Society of Clinical Pathology; American College of Nuclear Physicians; American College of Nuclear Medicine; American Registry of Radiologic Technologists; Registry of Medical Technologists; American Association of Physicists in Medicine; Health Physics Society; American Pharmaceutical Association; American National Standards Institute; Federation of State Licensing Boards; National Association of Board of Pharmacy; American Medical Association, Nuclear Medicine Section; American Society of Hospital Pharmacists; Conference of Radiation Control Program Directors; Joint Commission on Accreditation of Hospitals; Health Research Group; Atomic Industrial Forum; National Council on Radiation Protection and Measurements.

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 77-16]

BRIEFS OF ACCIDENTS; SAFETY RECOMMENDATIONS AND RESPONSE

Availability and Receipt

Aircraft Accident Briefs.—The National Transportation Safety Board on April 11 released Issue No. 2 of "Aircraft Accident Reports, U.S. Civil Aviation—1976." The publication, No. NTSB-BA-76-7, contains a selection of 899 general aviation accidents. Each accident is set forth in a brief format, providing the facts, conditions, circumstances, and probable cause of the accident.

In Press Release No. SB-77-17 the Safety Board cites one accident in Issue No. 2 to point up a recurring causal factor in fatal accidents— a pilot continuing a VFR flight into adverse weather conditions. In this instance, the pilot-in-command was experienced. He held a commerical certificate with a single- and multi-engine land and instrument rating,with a total of 900 hours on his record.

On a VFR flight from Tulsa, Oklahoma, to Vichy, Missouri, March 26, 1976, the pilot before taking off was given a preflight weather briefing, including information that the National Weather Service had forecast the possibility of "tornados and severe thunderstorms with large hail and damaging winds for a large portion of eastern Oklahoma, Southwest Missouri, and a small portion of Southeast Kansas." After takeoff, the pilot called Tulsa Airport Tower, requesting traffic and weather information. Again he was advised of the existence of a line of thunderstorms on his route. The pilot also was given radar advisories on the thunderstorms, and at one point, he advised, "I'll turn back, if necessary." But 35 minutes after radar contact was discontinued, the pilot lost control of the plane and crashed into a field. According

to the Safety Board meteorologist report, there was a solid line of thunderstorms north-northeast-south-southwest over the accident site at the time of the crash; heavy rain and some hail also was reported.

The Board cited as the probable cause of the accident the pilot's decision to continue his VFR flight into "known areas of severe turbulence." Over a 5-year period, 1971–1975, "continued VFR flight into adverse weather conditions" has been cited by the Board as a probable cause in 1,055 general aviation accidents. In citing these statistics, the Board is attempting to highlight the danger to pilots who fail to properly evaluate weather warnings. In the case of the pilot of the Maule M–4, it cost his life.

The briefs of accidents reported in the 1976 Issue No. 2 volume contain essential information; more detailed data on these accidents may be obtained from the original factual reports on file in the Washington Office of the Safety Board. Upon request, factual reports will be reproduced commercially at an average cost of 25¢ per page for printed matter, $1.35 per page for black-and-white photographs, and $4.50 per page for color photographs, plus postage. Minimum reproduction charge is $3; an additional $4 user-service charge will be made for each order. Requests should be directed to the Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594. The requester must provide this information concerning the accident: (1) Date and place of occurrence, (2) type of aircraft and registration number, and (3) name of pilot. The publication may be purchased from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151.

Aviation Safety Recommendations A–77–14 and A–77–15.—Following the crash of a Piper 31 near Springfield, Arkansas, last February 22, the Safety Board's investigation revealed discrepancies in the installation of two of the three balance weights on each elevator. The Board learned that in 1970 Nyak wing luggage lockers were installed on the aircraft, according to a design approved under STC SA–986SW. Installation required decreasing the elevator hinge moment to 96.4 in-lb. by adding about ½ lb. to each elevator horn. The cylindrical weights were added by bolting them to the nose channel and retaining the bolt with a rivnut. A recess had been machined into the weight in order to allow the weight to fit flush with the nose channel. Apparently, the Board stated, the recess was too deep, and when the bolt was tightened the rivnut was partially pulled through the sheet metal. Vibration worked the four weights loose, one of which had separated. The aircraft had about 3,200 service-hours.

Concerned that other aircraft modified according to STC SA–986SW may experience similar balance weight retention failures which could lead to an elevator failure, the Safety Board on April 11 recommended that the Federal Aviation Administration—

Issue an Airworthiness Directive to all operators of aircraft having the Nayak wing luggage lockers installed under STC SA–986SW to require an immediate inspection of the elevator balance weights installation (A–77–14); and

Review the design of the balance weight bolt retention installation and insure its adequacy (A–77–15).

Recommendation A–77–14 is designated "Class I—Urgent Followup"; A–77–15 is designated "Class II—Priority Followup."

Railroad Safety Recommendations R–77–1 and R–77–2.—At the request of the National Railroad Passenger Corporation (Amtrak) and the General Electric Company, the Safety Board has reviewed the recommendations which resulted from investigation of the derailment of an Amtrak train last January 16 near Birmingham, Alabama. The recommendations, issued last February 3, asked the Federal Railroad Administration to—

Investigate immediately the interaction between SDP–40–F and P–30–CH locomotives of passenger trains and track conditions to determine the causes for the widening of the track gage and act to correct the causes (R–77–1); and

Until such investigation and corrections are completed, restrict passenger trains with SDP–40–F or P–30–CH locomotives to speeds that will permit safe operation around curves of 1°30′ or more on Class 4 or less track. The speeds should not exceed the equilibrium speed on such curves (R–77–2).

(See 42 FR 8445, February 10, 1977.)

The Amtrak letter of last February 18 and the General Electric letter of February 4 both requested reconsideration of the recommendations to ascertain whether P–30–CH locomotive units manufactured by General Electric should be included with the SDP–40–F locomotive units manufactured by the General Motors Corporation.

In a letter dated April 6 addressed to FRA, the Safety Board states that it has decided that, because of insufficient accident data involving the P–30–CH locomotive units on curves and the economic impact caused by the reduction of speed of passenger trains, the P–30–CH units will be eliminated from recommendation R–77–2. However, in spite of the absence of accidents on curves in excess of 1°30′, the Board believes that the similarity of the trucks of the P–30–CH locomotives to those of the SDP–40–F locomotives suggests the need for determining the track/train dynamics of the P–30–CH locomotives as well as those for the SDP–40–F. Therefore, the Board concludes, recommendation R–77–1 will remain the same and recommendation R–77–2 will be amended to remove reference to the P–30–CH locomotives.

Also on April 6 the Safety Board forwarded identical letters to Amtrak and General Electric, enclosing copies of its April 6 letter to FRA and stating that it has concluded, with reference to R–77–1, that the P–30–CH locomotive unit still should be included in the study of the interaction between the six-wheel truck locomotive and certain track conditions.

The original letter to FRA formally making these recommendations has now been revised, under date of April 4, to reflect the change to recommendation R–77–2.

Response to Aviation Safety Recommendations A–76–141 through A–76–143.—Federal Aviation Administration letter of April 1 responds to recommendations issued following Safety Board investigation of the Alaska Airlines accident at Ketchikan International Airport, Ketchikan, Alaska, which occurred on April 5, 1976. (See 42 FR 6655, February 3, 1977.)

FAA concurs in recommendation A–76–141, which called for more frequent inspection of crash/fire/rescue capabilities of certificated airports, especially those in Alaska, to assure adequate training of personnel, maintenance and operational readiness of crash/fire/rescue equipment, currency of emergency procedures, and availability of qualified personnel to conduct and to direct such activity.

FAA states that its current policy is to inspect certificated airports at least once every 12 months. As of March 1, 784 airports were under the FAA certification program, 27 certification inspectors accomplishing the inspectons. FAA further reports that in Alaska three inspectors cover 137 airports, of which 46 have airport operating certificates and 91 have limited airport operating certificates. Airports with operating certificates in all 50 States were inspected in FY 76; the Ketchikan airport was inspected in May 1975 and in May 1976. FAA states, "Some airports should be inspected more than once a year commensurate with available resources. To increase the frequency of airport inspections, additional resources would be required and are not presently available."

FAA does not concur in recommendation A–76–142, which asked that a program be initiated for those airports that have no full-time crash/fire/rescue crew, especially those in Alaska, to properly train and equip personnel who must respond to an aircraft fire. In response FAA states, "Although [FAA] has the statutory authority to initiate a training program for CFR personnel, it does not have the resources to do so. Further, this is not a function which should be accomplished by the FAA since there exists another Federal agency which has this responsibility—the Federal Fire Prevention and Control Administration." FAA notes that that Administration was set up in 1974 to establish a national academy to train fire service personnel in the specialized field of aircraft fire control and crash rescue. FAA has contacted the Administration's personnel regarding the particular problems which need resolution, but has no information as to when the program will be implemented.

With further reference to A–76–142, FAA notes that, under the Airport Development Aid Program, funds are available to the airport sponsors for firefighting equipment at those certificated airports receiving regularly scheduled service.

FAA concludes re A–76–142, "We do encourage individual airports, industry,

and State organizations to conduct their own training programs. The State of Alaska established a training program to both organize and train volunteer airport fire departments prior to the accident. As a result of the accident this new program was initiated at Ketchikan."

Recommendation A–76–143 called for FAA to amend 14 CFR 139 to require that airport personnel who are not professional firefighters but who, because of their supervisory status, must direct crash/fire/rescue operations at airports, be qualified to perform this task.

In indicating nonconcurrence, FAA states, "The regulation as written establishes the recommended requirements. Section 139.491 requires that '* * * firefighting and rescue personnel are familiar with the operation of firefighting and rescue equipment and understand the basic principles of firefighting and rescue techniques.' In the actual application of this requirement, all personnel involved in the firefighting effort, professional or non-professional, are verified as to their ability to perform the tasks assigned to them." FAA notes that during the periodic certification inspection of the airport, the manager's training records are examined and/or his performance observed in live demonstrations.

FAA comments, "While we do not concur in amending the regulation, we will emphasize the verification of supervisory qualifications in our staff visit to the regions. Additionally, the point of verification will be included in the Airport Certification Program Handbook upon its next revision."

NOTE.—The above consists of abridgements of Safety Board documents made available and a safety recommendation response received during the week preceding publication of this notice in the FEDERAL REGISTER. Safety Board recommendation letters in their entirety are available to the general public; single copies are obtainable without charge. Copies of the full text of responses and correspondence relating to safety recommendations may be obtained at a cost of $4 for service and 10 cents per page for reproduction. All requests must be in writing, identified by the recommendation number and date of publication of this notice in the FEDERAL REGISTER. Address inquiries to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

(Secs. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93–633, 88 Stat. 2169, 2172 (49 U.S.C. 1903, 1906)).)

MARGARET L. FISHER,
Federal Register
Liaison Officer.

APRIL 18, 1977.

[FR Doc.77–11521 Filed 4–20–77;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on April 15, 1977 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202–395–4529), or from the reviewer listed.

NEW FORMS

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

Challenge Grants Progress Report, quarterly, nonprofit organizations, Lowry, R. L., 395–3772.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration, Application for Participation in the National Flood Insurance Program, HUD–1650, on occasion, towns, cities, counties, and other local governments, Housing, Veterans, and Labor Division, 395–3532.

DEPARTMENT OF COMMERCE

Domestic and International Business Administration, Personnel Problems at On-site Locations in Communist Countries; Personnel Problems in Representation Offices in Communist Countries, DIB–6035P, DIB–6036P, single time, U.S. companies who have sent personnel to onsite locations, Lowry, R. L., 395–3772.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education, Special Emphasis Program Evaluation, OE–520 1 through 4, single time, local education agency personnel, students, and parents, Raynsford, R., 395–3814.

Health Services Administration, Inhospital Review Cost Identification Survey and Interview Guide, single time, hospitals in 10 PSRO areas, Richard Eisinger, 395–6140.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration, Fair Plan Quarterly Report, HUD–1603, quarterly, State fair plan, Housing, Veterans, and Labor Division, 395–3532.

REVISIONS

DEPARTMENT OF THE INTERIOR

Bureau of Mines:

Mine Information Supplement, 6–1017–A, annually, mining companies, Marsha Traynham, 395–4529.

Finished Iron Oxide Pigments, 6–1267–A, annually, manufacturers of iron oxide pigments, C. Louis Kincannon, 395–3211.

EXTENSIONS

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Administration (Office of Assistant Secretary), Request for Preliminary Reservation of Funds for Conditional Commitments to be Converted to sec. 235(I), FHA–3122, on occasion, sponsors, Housing, Veterans, and Labor Division, 395–3532.

Housing Production and Mortgage Credit Application for Designation as Fee Personnel, FHA 2563, on occasion, inspectors and appraisers, Housing, Veterans, and Labor Division, 395–3532.

Federal Insurance Administration Standard Reinsurance Contract, HUD 1601, annually, property insurance companies in the United States Housing, Veterans, and Labor Division, 395–3532.

DEPARTMENT OF THE INTERIOR

BUREAU OF MINES:

Lead and Zinc Forecasts (Production, Imports, and Consumption), 6–1173–A and B annually, producers of lead and zinc, Marsha Traynham, 395–4529.

Lead, Zinc, and Titanium Pigments and Compounds (Production and Shipments), 6–1107–A, annually, producers of lead, zinc, titanium pigments, and zinc salts, Marsha Traynham, 395–4529.

Iron Ore (Production, Shipments, and Stocks), 6–1066–A, annually, producers of iron ore, Marsha Traynham, 395–4529.

PHILIP D. LARSEN,
Budget and Management Officer.

[FR Doc.77–11664 Filed 4–20–77;8:45 am]

POSTAL RATE COMMISSION

[Order No. 158]

[Docket No. MC76–1, MC76–2, MC76–3, MC76–4, MC76–5]

MAIL CLASSIFICATION SCHEDULE, 1976; BASIC MAIL CLASSIFICATION REFORM SCHEDULE, 1976

Order Transferring Issue Concerning Scope and Extent of DMCS From Docket No. MC76–1 Through –4 to Docket No. MC76–5 and Releasing Staff Document

APRIL 13, 1977.

On March 29, 1977, a conference was held in Docket Nos. MC76–1 through –4 to develop procedures for prosecuting the issue of the scope and extent of the Domestic Mail Classification Schedule (DMCS). The Law Judge placed in the record on that date a memorandum from the Chairman indicating that a staff document would soon be released which purported to implement the guidelines outlined in Appendix C of the Commission's recommended decision in Docket No. MC73–1 (Tr. 46/7008–10). At that conference it was agreed that the parties would meet again after the staff document was released. An informal conference was scheduled for May 12, 1977, and a formal conference for May 26, 1977 (Tr. 46/7023).

On March 31, 1977, the Commission was advised that Administrative Law Judge Marvin Morse was resigning from the Commission, effective April 14, 1977. As of that date the only issue yet to be tried will have been the scope and extent of the DMCS which, as stated, is an outgrowth of the Commission's opin-

tion in MC733–1 expressing interest in exploring improvements to the DMCS with respect to its "form and content."

In light of these circumstances, the Commission has decided to sever this remaining issue from Docket Nos. MC76–1 through –4 and add it to the reform docket, MC76–5.[1] In taking this action, we do not mean to imply that the establishment of the form, scope and content of the DMCS will be delayed until the completion of the long-range studies presently being conducted by the Service. We intend that this matter will be treated independently of the study program and will be completed as expeditiously as possible. Pursuant to that objective we look favorably upon the conference schedule established by the Law Judge.[1]

RELEASE OF STAFF DMCS

As stated in the Chairman's memorandum of March 25, 1977, the Commission is now releasing to the parties in Docket Nos. MC76–1 through –4 (as well as –5) the draft DMCS prepared by the Office of Planning and Operations. The schedule is presented in two volumes: Rates and Charges, and General Terms and Conditions.

The documents comprising the DMCS indicate that certain provisions were included even though they may seem to involve a high level of detail concerning Postal Service operations and similar matters. The guiding principle utilized by the staff in developing the DMCS was comprehensiveness and completeness.[2] It is contemplated, at this time, that it might be appropriate, upon adoption of the final DMCS in this proceeding to include certain provisions even though they concern the Service's operational activities, but to denote such provisions as being solely "informational"—and not operative—components of the DMCS. The test to be used in determining which provisions are to be informational, or operative, will be whether a given provision is beyond, or only remotely connected to, our statutory responsibilities. However, as stated, only the operative provisions will constitute the formal DMCS, established pursuant to 39 U.S.C. § 3623.

We are advised that the staff had this approach under consideration in preparing the draft DMCS released today and therefore purposely avoided drawing any jurisdictional lines prior to (i) hearings and conferences held pursuant to § 3624 and (ii) Commission decision in this matter. Accordingly, it would be appropriate for the parties to consider some mechanism, such as the use of asterisks, to indicate the sections, if any, which (after hearings and the submittal legal briefs) they recommend be treated only as informational provisions—but physically incorporated in the DMCS.

Wherefore, the Commission orders: (1) The issue of the form, scope and content of the DMCS is severed from Docket Nos. MC76–1 through –4 and added to Docket No. MC76–5.

(2) The Secretary of the Commission will serve on all the parties to these dockets the draft DMC prepared by the Office of Planning and Operations.

(3) Parties in Docket Nos. MC76–1 through –4, not already parties in Docket No. MC76–5, will have 10 days to seek intervention in the latter docket.

By the Commission.

DAVID F. HARRIS,
Secretary.

[FR Doc.77–11526 Filed 4–20–77;8:45 am]

[1] We anticipate that the Presiding Officer in Docket No. MC76–5, Chairman DuPont, will issue an order confirming this schedule.

[2] The parties to the proceeding, of course, are free to submit provisions for inclusion in the DMCS or urge the elimination (or restatement) of provisions contained in the staff draft.

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 1317]

ALABAMA

Declaration of Disaster Loan Area

As a result of the President's declaration, I find that Etowah, Jefferson and St. Clair Counties, and adjacent counties within the State of Alabama, constitute a disaster area because of damage resulting from severe storms and flooding beginning about April 4, 1977. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on June 9, 1977, and for economic injury until the close of business on January 9, 1978, at:

Small Business Administration, District Office, 908 South 20th Street, Birmingham, Alabama 35205.

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: April 13, 1977.

ROGER H. JONES,
Acting Administrator.

[FR Doc.77–11504 Filed 4–20–77;8:45 am]

[Declaration of Disaster Loan Area 1291; Amdt. 2]

NEW JERSEY

Declaration of Disaster Loan Area

The above numbered Presidential Declaration (see 42 FR 9737 and 42 FR 12108), Amendment No. 1 is amended by extending the filing date for physical damage until the close of business on June 1, 1977, and for economic injury until the close of business on January 18, 1978.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: April 13, 1977.

ROGER H. JONES,
Acting Administrator.

[FR Doc.77–11505 Filed 4–20–77;8:45 am]

[Declaration of Disaster Loan Area 1312]

VIRGINIA

Declaration of Disaster Loan Area

As a result of the President's declaration, I find that Bland, Buchanan, Dickenson, Grayson, Lee, Pulaski, Russell, Scott, Smyth, Tazewell, Washington, Wise and Wythe Counties, and the independent City of Norton, and adjacent counties within the State of Virginia, constitute a disaster area because of damage resulting from severe storms and flooding beginning about April 3, 1977. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on June 6, 1977, and for economic injury until the close of business on January 9, 1978, at:

Small Business Administration, District Office, Federal Building Room 3015, 400 North Eighth Street, Richmond, Virginia 23240.

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

ROGER H. JONES,
Acting Administrator.

APRIL 13, 1977.

[FR Doc.77–11506 Filed 4–20–77;8:45 am]

[Declaration of Disaster Loan Area 1313]

WEST VIRGINIA

Declaration of Disaster Loan Area

As a result of the President's declaration, I find that Cabell, Greenbrief, Lincoln, Logan, McDowell, Mingo, Raleigh, Summers, Wayne and Wyoming Counties, and adjacent Counties within the State of West Virginia constitute a disaster area because of damage resulting from severe storms and flooding beginning about April 3, 1977. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on June 6, 1977, and for economic injury until the close of business on January 9, 1978, at:

Small Business Administration, District Office, 109 North Third Street, Clarksburg, West Virginia 26301

Small Business Administration, Branch Office, Charleston National Plaza—Suite 628, Charleston, West Virginia 25301

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: April 13, 1977.

ROGER H. JONES,
Acting Administrator.

[FR Doc.77–11507 Filed 4–20–77;8:45 am]

[Declaration of Disaster Loan Area 1310]

WISCONSIN

Declaration of Disaster Loan Area

Bayfield County, and adjacent counties within the State of Wisconsin, constitute a disaster area because of physical damage to wells resulting from drought

which occurred from June 17, 1976 through March 29, 1977.

Eligible persons, firms and organizations may file applications for loans for physical damage as a result of drought until the close of business on June 10, 1977 and for economic injury until the close of business on January 11, 1978 at:

Small Business Administration, District Office, 122 West Washington Avenue, Room 700, Madison, Wisconsin 53703.

or other locally announced locations.

Dated: April 11, 1977.

A. VERNON WEAVER,
Administrator.

[FR Doc.77-11508 Filed 4-20-77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 77 068]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Termination of Approval

1. Certain laws and regulations (46 CFR Chapter I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the Outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been terminated as herein described during the period from December 18, 1976 to March 2, 1977 (List No. 3-77). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of Title 46, United States Code, section 1333 of Title 43, United States Code, and section 198 of Title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46 (b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. Notwithstanding the termination of approval listed in this document, the equipment affected may be used as long as it remains in good and serviceable condition.

WATER, EMERGENCY DRINKING (IN HERMETICALLY SEALED CONTAINERS), FOR MERCHANT VESSELS

The Globe Equipment Corporation, 257 Water Street, Brooklyn, New York 11201, Approval No. 160.026/39/0 expired and was terminated effective February 18, 1977.

DAVITS FOR MERCHANT VESSELS

The Marine Safety Equipment Corporation, Foot of Wycoff Road, Farmingdale, New Jersey 07727, Approval No. 160.032/142/3 expired and was terminated effective March 2, 1977.

HAND PROPELLING GEAR, LIFEBOATS, FOR MERCHANT VESSELS

The Marine Safety Equipment Corporation, Foot of Wycoff Road, Farmingdale, New Jersey 07727, Approval No. 160.034/10/2 expired and was terminated effective March 2, 1977.

KITS, FIRST-AID, FOR MERCHANT VESSELS

The E. D. Bullard, 2680 Bridgeway, Sausalito, California 94965, Approval No. 160.041/1/0 expired and was terminated effective December 13, 1976.

PROTECTING COVER FOR LIFEBOATS

The A. L. Robertson, Inc., 325 S. Kresson Street, Baltimore, Maryland 21224, Approval No. 160.065/6/0 expired and was terminated effective January 3, 1977.

DECK COVERINGS FOR MERCHANT VESSELS

The Raecolith Flooring Company, 5622 Corson Avenue, Seattle, Washington, 98108, Approval No. 164.006/9/0 expired and was terminated effective March 1, 1977.

The Crossfield Products Corporation, 140 Valley Road, Roselle Park, New Jersey 07204, Approval No. 164.006/23/0 expired and was terminated effective March 1, 1977.

Dated: April 12, 1977.

H. G. LYONS,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.77-11573 Filed 4-20-77;8:45 am]

[CGD 77 077]

NATIONAL BOATING SAFETY ADVISORY COUNCIL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1) notice is hereby given of a meeting of the National Boating Safety Advisory Council to be held on Tuesday and Wednesday, May 24-25, 1977 in the Annapolis Hilton Inn, 80 Compromise Street, Annapolis, Maryland. The meeting is schedule to begin at 9:00 a.m. both days and adjourn at 10:45 p.m. on Tuesday, May 24th and in the early afternoon on Wednesday, May 25th. The agenda for this meeting will be as follows:

1. Review of action taken at the sixteenth meeting of the Council.
2. Executive Director's Report.
3. Discussion and vote on proposed change to fixed fire extinguisher requirements for recreational boats.
4. Discussion and vote on proposed Capacity Label Regulation Amendment.
5. Discussion and technical vote on proposed ventilation requirement changes.
6. Progress Report on Navigation Light Project.
7. Discussion and vote on amendments to the Fuel and Electrical Standards.
8. Discussion on Hull Identification Problems.
9. Progress Report on Compliance Program.
10. Discussion on Start-In-Gear Protection.
11. Day-time Visual Distress Signals Demonstration.
12. Night-time Visual Distress Signals Demonstration.
13. Discussion and Vote on Proposed Visual Distress Signals Regulation.
14. Office of Boating Safety Report.
15. Members Items.
16. Chairman's Session.
17. Attendance is open to the interested public. With approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present oral statements should notify, not later than the day before the meeting, and information may be obtained from CDR M. Tubella, Jr., Executive Director, National Boating Safety Advisory Council, U.S. Coast Guard (G-BA), Washington, D.C. 20590, or by calling 202-426-1080. Any member of the public may present a written statement to the Council at any time.

Issued in Washington, D.C. on April 13, 1977.

D. F. LAUTH,
Rear Admiral, U.S. Coast Guard, Chief, Office of Boating Safety.

[FR Doc.77-11576 Filed 4-20-77;8:45 am]

[CGD 77 076]

NATIONAL BOATING SAFETY ADVISORY COUNCIL; CAPACITY LABEL SUBCOMMITTEE

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1) notice is hereby given of a meeting of the National Boating Safety Advisory Council's Capacity Label Subcommittee to be held on Monday, May 23, 1977, in the Annapolis Hilton Inn, 80 Compromise Street, Annapolis, Maryland. The meeting is scheduled to begin at 1:00 p.m. and adjourn at 5:00 p.m.

The purpose of this meeting is to review a Coast Guard technical proposal for an amendment to the Capacity Label Standards. Attendance is open to the interested public.

With the approval of the Chairman, members of the public may present oral statements at this meeting. Persons wishing to attend and persons wishing to present oral statements should notify, not later than the day before the meeting and information may be obtained from Commander M. Tubella, Jr., Executive Director, National Boating Safety Advisory Council, U.S. Coast Guard (G-BA), Washington, D.C. 20590, or by calling 202-426-1080.

Issued in Washington, D.C. on April 13, 1977.

D. F. LAUTH,
Rear Admiral, U.S. Coast Guard, Chief, Office of Boating Safety.

[FR Doc.77-11575 Filed 4-20-77;8:45 am]

[CGD 77 073]

SHIP STRUCTURE COMMITTEE

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of the Ship Structure Committee to be held Thursday, June 2, 1977 at 9:00 a.m., Room 8236, U.S. Coast Guard Headquarters, 400 Seventh Street SW., Washington, D.C. The agenda for this meeting is as follows: Discussion of the research program, project status, and operations of the Ship Structure Committee.

Attendance is open to the interested public. With the approval of the Chairman, members of the public may present oral statements at the hearing. Persons wishing to attend and persons wishing to prenent oral statements should notify, not later than the day before the meeting, and information may be obtained from, LCDR E. A. Chazal, USCG, Secretary, Ship Structure Committee, U.S. Coast Guard Headquarters, Washington, D.C. 20590, 202-426-2205. Any member of the public may present a written statement to the Commission at any time.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.77-11574 Filed 4-20-77;8:45 am]

Federal Aviation Administration

AIRPORT TRAFFIC CONTROL TOWER AT CHEYENNE, WYOMING

Notice to Reduce Hours

Notice is hereby given that on or about May 15, 1977, the Airport Traffic Control Tower at Cheyene, Wyoming, will be closed each day from midnight until 6 a.m. local time. This notice amends our notice of February 23, 1977, which proposed to reduce the hours of operation at Cheyene Airport Traffic Control Tower effective April 10, 1977. This information will be reflected in forthcoming issues of the Airman Information Manual.

Issued in Aurora, Colorado, on April 8, 1977.

M. M. MARTIN,
Director, Rocky Mountain Region.

[FR Doc.77-11376 Filed 4-20-77;8:45 am]

National Highway Traffic Safety Administration

TRUCK AND BUS SAFETY SUBCOMMITTEES

Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of the Truck and Bus Safety Subcommittees of the National Highway Safety Advisory Committee and the National Motor Vehicle Safety Advisory Council. The subcommittees will meet on May 19 from 8:00 a.m. to 6:00 p.m. in room 2230 of the DOT Headquarters Building, 400 Seventh Street S.W., Washington, D.C.

The subcommittees will meet to hear from truck operators, manufacturers, parts suppliers and other interested and knowledgeable people about their experiences with operating pre FMVSS 121 tractors with post 121 trailers or post 121 tractors with pre 121 trailers; with operating similar mixes of trailers and tractors with pre and post Notice 7 equipment and pre and post 121 equipment; and with operating combinations of the six major manufacturers of FMVSS 121 systems. The subcommittees are particularly interested in hearing recommended solutions to any problems. This hearing is in response to a request from the NHTSA Administrator to analyze the issues associated with FMVSS 121 and report findings and recommendations.

Any person who would like to make a presentation at this meeting, should let the Executive Secretary know by May 5. Presentations will be limited to 10 minutes each. Additional material may be presented for the record. Because of the limited time available to the subcommittees to hear presentations, interested associations or public groups are requested to make statements on behalf of their members which would consolidate information or data that otherwise would be presented by several individuals.

Attendance is open to the interested public, but limited to the space available.

This meeting is subject to the approval of the appropriate DOT officials.

Additional information may be obtained from the NHTSA Executive Secretary, Room 5215, 400 Seventh Street SW., Washington, D.C. 20590, telephone 202-426-2872.

Issued in Washington, D.C. on April 18, 1977.

WM. H. MARSH,
Executive Secretary.

[FR Doc.77-11572 Filed 4-20-77;8:45 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 138875 (Sub-No. 37), Shoemaker Trucking Company, now assigned June 15, 1977, at Portland, Oregon is postponed indefinitely. MC 140389 (Sub-9), Osborn Transportation, Inc., now being assigned June 20, 1977 (1 week) at Atlanta, Georgia and continued to July 18, 1977 (2 weeks) at San Francisco, California, in hearing rooms to be later designated.

MC 67818 (Sub-85), Michigan Express, Inc., now being assigned June 14, 1977 (9 days) at Lansing, Michigan, in a hearing room to be later designated.

MC 116915 (Sub-27), Eck Miller Transportation Corporation, now assigned May 4, 1977 at Lexington, Kentucky, is canceled and the application is dismissed.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-11606 Filed 4-20-77;8:45 am]

[Rule 19; Ex Parte No. 241; Exemption No. 90]

CLARENDON & PITTSFORD RAILROAD CO., ET AL.

Exemption Under Mandatory Car Service Rules

It appearing, That the railroads named below own numerous 50-ft. plain boxcars; that under present conditions there are substantial surpluses of these cars on their lines; that return of these cars to the owners would result in their being stored idle; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of these cars, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, 50-ft. plain boxcars described in the Official Railway Equipment Register, I.C.C.-R.E.R. No. 402, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM," and bearing reporting marks asigned to the railroads named below, shall be exempt from the provisions of Car Service Rules 1, 2(a), and 2(b).

* * * * *

The Clarendon and Pittsford Railroad Company:
Reporting Marks: CLP.
Green Mountain Railroad Corporation:
Reporting Marks: GMRC.
Greenville and Northern Railway Company:
Reporting Marks: GRN.
Greenwich & Johnsonville Railway Company:
Reporting Marks: GJ.
Lake Erie, Franklin & Clarion Railroad Company:
Reporting Marks: LEF.
Lousiville and Wadley Railway Company:
Reporting Marks: LW.
Louisville, New Albany & Corydon Railroad Company:
Reporting Marks: LNAC.
Ogdensburg Bridge and Port Authority:
Reporting Marks: NSL.
Pearl River Valley Railroad Company:
Reporting Marks: PRV.
The Pittsburgh and Lake Erie Railroad Company:
Reporting Marks: P&LE.
Providence and Worcester Company:
Reporting Marks: PW.
Raritan River Rail Road Company:
Reporting Marks: RR.
Sacramento Northern Railway:
Reporting Marks: SN.
St. Johnsbury & Lamoille County Railroad:
Reporting Marks: SJL.
Sierra Railroad Company:
Reporting Marks: SERA.
Tidewater Southern Railway Company:
Reporting Marks: TS.
Toledo, Peoria & Western Railroad Company:
Reporting Marks: TPW.
Vermont Railway, Inc.:
Reporting Marks: VTR.
WCTU Railway Company:
Reporting Marks: WCTR.
Yreka Western Railroad Company:
Reporting Marks: YW.

Effective April 15, 1977, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., April 12, 1977.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

NOTE.—* * * Cadiz Railroad Company deleted.

[FR Doc.77-11614 Filed 4-20-77;8:45 am]

[Rule 19, Ex Parte No. 241, Exemption No. 136; Amdt. No. 1]

EXEMPTION UNDER MANDATORY CAR SERVICE RULES

Upon further consideration of Exemption No. 136 issued April 6, 1977.

It is ordered, That, under authority vested in me by Car Service Rule 19, Exemption No. 136 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 be, and it is hereby, amended to expire April 20, 1977.

This amendment shall become effective April 13, 1977.

Issued at Washington, D.C. April 12, 1977.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc.77-11605 Filed 4-20-77;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 18, 1977.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before May 6, 1977.

FSA No. 43349—*Joint Rail-Water Container Rates*—Italian Line. Filed by Italian Line, (No. 4), for itself and interested rail carriers.

Rates on general commodities, between ports in Europe, and rail stations on the U.S. Atlantic and Pacific Coast Seaports.

Grounds for relief—Water competition.

FSA No. 43350—*Joint Water-Rail Container Rates—Seatrain International, S. A.* Filed by Seatrain International, S. A., (No. WEE-22), for itself and interested rail carriers.

Rates on general commodities, between the rail terminal at Baton Rouge, Louisiana, and European, Mid East and Caribbean ports; also the rail terminal at Freeport, Texas, and Caribbean ports.

Grounds for relief—Water competition.

Tariffs—Seatrain International, S. A., tariffs I.C.C. Nos. 9, 10, 11, 12, 13, 14, and 21. Rates are published to become effective on May 15, 1977.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-11612 Filed 4-20-77;8:45 am]

[Amdt. No. 1, I.C.C. Order No. 26; Under Service Order No. 1252]

GREEN MOUNTAIN RAILROAD CO.

Rerouting of Traffic

Upon further consideration of I.C.C. Order No. 26, (Green Mountain Railroad Corporation) and good cause appearing therefor:

It is ordered, That: I.C.C. Order No. 26 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., May 15, 1977, unless otherwise modified, changed or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., April 15, 1977, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 13, 1977.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc.77-11613 Filed 4-20-77;8:45 am]

[Rule 19, Ex Parte No. 241; Exemption No. 133]

MISSOURI PACIFIC RAILROAD CO. AND NATIONAL RAILWAYS OF MEXICO

Exemption Under Mandatory Car Service Rules

It appearing, That there are substantial shortages of fifty-foot plain boxcars on the lines of the Missouri Pacific Railroad Company (MP); that there is an available supply of such cars on the National Railways of Mexico (NDM); that the NDM has consented to use by the MP of certain of these cars; and the MP has secured clearance from the United States Customs Service for use of these cars provided they are interchanged from and to the NDM exclusively by the MP; and that use of these cars by the MP will substantially relieve boxcar shortages on the MP.

It is ordered, That, pursuant to the authority vested in me by Car Service Rule 19, plain boxcars owned by the National Railways of Mexico (NDM) identified herein may be used by the Missouri Pacific Railroad Company (MP) without regard to the requirements of Car Service Rules 1 and 2.

It is further ordered, That NDM plain boxcars identified herein available empty on lines other than the MP must be returned to the MP either loaded or empty and may not be returned to the NDM by any line other than the MP, regardless of the requirements of Car Service Rules 1 and 2; and

It is further ordered, That this exemption is applicable to freight cars owned by the NDM identified in Appendix A hereto.

Effective April 11, 1977, and continuing in effect until further order of the Commission.

Issued at Washington, D.C., April 11, 1977.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

APPENDIX A TO
FIFTH REVISED EXEMPTION NO. 133
REPORTING MARKS NDM

100004	100011	100020	100023	100024	100027	100030	100041	100042	100049
100050	100055	100061	100064	100067	100068	100077	100078	100081	100085
100090	100091	100098	100103	100109	100113	100115	100117	100118	100121
100126	100127	100129	100133	100143	100146	100149	100152	100156	100157
100158	100162	100167	100177	100182	100183	100184	100189	100190	100196
100199	100200	100204	100205	100207	100220	100222	100232	100234	100235
100236	100238	100241	100242	100255	100260	100263	100273	100278	100283
100292	100299	100301	100302	100305	100313	100315	100317	100322	100324
100327	100331	100334	100336	100339	100342	100345	100355	100359	100361
100362	100363	100365	100367	100369	100370	100371	100377	100383	100389
100390	100391	100396	100397	100398	100400	100403	100406	100407	100408
100410	100412	100417	100426	100427	100430	100433	100437	100443	100445
100446	100448	100449	100453	100458	100459	100466	100471	100472	100474
100477	100478	100481	100482	100483	100486	100488	100491	100492	100494
100498	100499	100501	100505	100506	100515	100520	100526	100530	100532
100534	100536	100539	100541	100547	100548	100551	100553	100557	100563
100570	100575	100579	100580	100583	100584	100586	100592	100595	100598
100599	100600	100601	100603	100606	100608	100618	100619	100625	100628
100634	100636	100643	100648	100649	100651	100655	100656	100657	100660
100662	100670	100672	100674	100681	100682	100685	100692	100693	100698
100699	100703	100704	100706	100708	100710	100715	100719	100720	100721
100726	100728	100729	100731	100732	100738	100740	100744	100750	100753
100763	100766	100773	100778	100780	100781	100784	100786	100790	100801
100805	100807	100808	100814	100819	100823	100829	100831	100833	100836
100849	100850	100853	100856	100859	100861	100867	100869	100870	100878
100879	100884	100891	100894	100897	100900	100902	100907	100909	100911
100916	100925	100927	100930	100932	100936	100941	100945	100949	100952
100953	100955	100962	100967	100969	100970	100973	100974	100990	100996
100998	100999	101007	101009	101027	101028	101029	101030	101035	101039
101040	101044	101047	101055	101056	101065	101066	101067	101072	101073
101077	101081	101084	101090	101096	101098	101101	101110	101131	101136
101141	101143	101144	101150	101154	101163	101164	101166	101172	101178
101179	101181	101182	101185	101186	101187	101194	101195	101196	101198
101199	101204	101206	101207	101210	101211	101213	101214	101220	101223
101224	101228	101232	101233	101234	101235	101236	101238	101241	101249
101251	101258	101261	101265	101266	101270	101276	101277	101280	101282
101284	101288	101289	101291	101293	101295	101298	101301	101305	101306
101309	101313	101314	101316	101317	101326	101328	101329	101333	101336
101340	101341	101343	101346	101354	101359	101360	101368	101369	101372
101376	101377	101378	101381	101383	101388	101394	101397	101402	101403
101404	101405	101409	101412	101416	101418	101422	101425	101427	101432
101436	101440	101443	101447	101451	101452	101453	101455	101464	101467
101468	101471	101477	101494	101497	101498	101501	101502	101505	101507
101509	101510	101513	101514	101516	101519	101520	101521	101523	101565
101570	101571	101576	101578	101588	101589	101590	101598	101600	101603
101605	101608	101609	101613	101616	101619	101621	101622	101625	101627

101635 101636 101641 101642 101643 101652 101657 101659 101661 101665
101672 101675 101681 101682 101686 101694 101695 101697 101699 101704
101707 101708 101711 101712 101719 101721 101727 101732 101733 101734
101735 101736 101739 101745 101755 101768 101769 101772 101773 101779
101789 101794 101797 101798 101800 101801 101802 101807 101808 101816
101817 101824 101827 101828 101830 101833 101837 101840 101847 101849
101850 101853 101858 101859 101864 101865 101866 101874 101877 101878
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101948 101951 101953 101959 101961 101970 101973 101978 101981 101982
101983 101991 101994 101997 104000 104002 104006 104010 104012 104018
104022 104023 104024 104030 104031 104033 104035 104036 104038 104039
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104060 104062 104064 104065 104067 104070 104072 104073 104074 104079
104081 104085 104086 104088 104090 104091 104092 104094 104095 104097
104100 104102 104103 104105 104106 104107 104108 104109 104110 104115
104116 104118 104119 104122 104125 104127 104129 104130 104132 104134
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104220 104222 104223 104225 104226 104227 104230 104231 104234 104238
104241 104242 104245 104248 104249 104251 104256 104260 104262 104267
104274 104275 104276 104277 104278 104286 104289 104291 104292 104296
104298 104299 104300 104301 104303 104306 104307 104311 104312 104314
104315 104318 104319 104320 104321 104322 104324 104326 104330 104331
104332 104334 104335 104338 104340 104346 104348 104350 104353 104354
104356 104359 104362 104363 104364 104365 104367 104368 104370 104371
104373 104377 104379 104380 104384 104388 104390 104395 104396 104397
104398 104401 104403 104405 104407 104412 104414 104416 104417 104420
104422 104424 104427 104428 104429 104431 104433 104436 104439 104440
104444 104448 104452 104456 104462 104471 104472 104474 104475 104479
104480 104481 104482 104487 104489 104490 104491 104492 104495 104497
104499 104500 104501 104503 104504 104505 104507 104510 104514 104518
104519 104523 104530 104532 104533 104537 104538 104542 104547 104548
104551 104553 104555 104556 104559 104560 104561 104562 104563 104568
104573 104575 104576 104578 104582 104584 104588 104591 104596 104598
104599 104600 104601 104604 104605 104606 104607 104615 104623 104624
104627 104631 104635 104636 104637 104641 104642 104643 104644 104645
104648 104650 104651 104652 104654 104657 104658 104660 104661 104662
104665 104668 104670 104671 104674 104676 104677 104678 104679 104680
104681 104683 104688 104694 104696 104699 104700 104701 104702 104703
104709 104710 104711 104716 104719 104720 104721 104723 104725 104726
104727 104728 104729 104730 104731 104734 104736 104737 104738 104743
104744 104745 104748 104749 104750 104753 104755 104756 104757 104760
104761 104762 104765 104767 104768 104769 104772 104775 104778 104782
104783 104784 104788 104793 104794 104799 104804 104809 104810 104812
104814 104818 104819 104821 104824 104827 104829 104832 104833 104834
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104860 104861 104866 104867 104868 104873 104876 104878 104879 104880
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104912 104915 104916 104924 104926 104929 104933 104934 104935 104941
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104958 104959 104966 104967 104973 104974 104975 104976 104977 104978
104980 104981 104984 104987 104988 104989 104990 104995 104998 104999

TOTAL =1000

[FR Doc.77-11616 Filed 4-20-77;8:45 am]

REVISED PROCEDURES TO CALCULATE INTEREST RATES

APRIL 14, 1977.

Section 15(8)(e) of the Interstate Commerce Act, as amended by section 202(e) of The Railroad Revitalization and Regulatory Reform Act of 1976 (4R Act), Pub. L. 94–210, states that the Commission shall require common carriers by rail to keep an account of all amounts received following institution of an investigation into proposed increased rates, fares, and charges, provided the tariff schedules containing the proposed increases are not suspended. The account is to specify by whom and in whose behalf the amounts are paid from the date such increased rate, fare or charge became effective until the Commission issues an order discontinuing the investigation or until 7-months have elapsed, whichever event occurs first. The account shall be kept for a period of 10 months if the Commission makes a report to Congress pursuant to section 15(8)(a) of the Act.

The section further provides that:

> In its final order, the Commission shall require the common carrier by railroad to refund to the person on whose behalf the amounts were paid that portion of such increased rate, fare, or charge found to be not justified, plus interest at a rate which is equal to the average yield (on the date such schedule is filed) of marketable securities of the United States which have a duration of 90 days.

Accordingly, pursuant to section 15(8)(e) of the Interstate Commerce Act and section 4 of the Administrative Procedure Act, 5 U.S.C. 553(b)(A), this notice is served to clarify Commission policy with respect to interest rates. Interest rates shall be the average yield ("investment rate" or "equivalent coupon issue yield") on 91-day, 13-week treasury bills as established in the weekly auction conducted by The Department of the Treasury. This figure is readily ascertainable and published weekly in a news bulletin of the Treasury. In addition, the average Treasury bill yields are reported each Tuesday in the Wall Street Journal and are based upon the Treasury press release. Other major newspapers of wide circulation publish either the average discounted rate or average yield for the 91-day bills.

The above-noted manner of determining interest rates shall apply to all awards of reparations made in all rail investigation proceedings subsequent to February 5, 1976, in accordance with section 15(8)(e) of the Interstate Commerce Act.

With respect to all other proceedings concerning carriers subject to Part I of the Act in which interest is awarded, the awards shall also, to the extent possible, be in conformity with the standards for computing and awarding interest established in section 15(8)(e) of the Act. This revised method of determining the appropriate rate of interest shall apply to all awards of interest in such other proceedings arising under Part I of the Act from the date of service of this Notice. Since "the date such schedule is filed" is inappropriate for establishing a rate level for interest on reparations in a complaint proceeding, the interest rate level shall therefore be established in the manner outlined above as determined by the date the first allegedly unlawful charge is paid.[1]

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-11610 Filed 4-20-77;8:45 am]

[I.C.C. Order No. 28–A; Under SO No. 1252]

VIRGINIA & MARYLAND RAILROAD CO.

Rerouting Traffic

Upon further consideration of I.C.C. Order No. 28 (Virginia and Maryland Railroad Company) and good cause appearing therefor:

It is ordered, That:

I.C.C. Order No. 28 be, and it is hereby, vacated and set aside.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 13, 1977.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc.77-11615 Filed 4-20-77;8:45 am]

[Finance Doc. No. 28267, 28268; AB133]

WARREN & QUACHITA VALLEY RAILWAY CO., ET AL.

Abandonment of Service

APRIL 11, 1977.

The Interstate Commerce Commission hereby gives notice that its Section of Energy and Environment has concluded that (1) the proposed abandonment by the Warren & Quachita Valley Railway Company if its entire line between Warren and Banks, a distance of 15.66 miles, (2) the proposed acquisition by the Warren & Saline River Railroad Company of the easternmost 2 mile segment of this 15.66 mile line, and (3) the proposed acquisition of trackage rights by the Warren & Saline River Railroad Company over three segments of Missouri Pacific Railroad Company trackage totalling 1,346.66 feet in the city of Warren, all within Bradley County, Arkansas, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts associated with the proposed actions are not considered significant because no change in rail access to any shippers will occur. Consequently, abandonment will not result in a serious adverse impact or rural and community development. Furthermore, no significant impacts on ambient air quality or fuel consumption will result because there will be no diversion of traffic from rail to motor carrier.

This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202–275–7011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before May 12, 1977.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceedings and does not purport to resolve the issue of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-11611 Filed 4-20-77;8:45 am]

[Notice No. 153]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under Section 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission within 30 days after the date of this publication. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the

[1] See Rules 25 and 29 of the Commission's General Rules of Practice, 49 CFR 1100.25 and 1100.29.

Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC-FC-76962, filed April 13, 1977. Transferee: ORIGINAL HALL LANE MOVING & STORAGE CO., INC., 67 Mall Drive, Commack, N.Y. 11725. Transferor: Oliver E. Cote, doing business as North Shore Vans and Little Neck Moving & Storage, 1586 Hitchcock, Wantagh, N.Y. Applicants' representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought for purchase by transferee of the operating rights set forth in Certificate No. MC 19625, issued August 23, 1967, authorizing the transportation of household goods, as defined by the Commission, between New York, N.Y., on the one hand, and, on the other, points in Connecticut, New York, Massachusetts, New Jersey, Pennsylvania, Maryland, West Virginia, Delaware, Rhode Island, Ohio, and the District of Columbia. Transferee presently holds authority from this Commission under Certificate No. MC 84242. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-77030, filed March 21, 1977. Transferee: CENTRALIA CARTAGE CO., a Delaware corporation, 650 West Noleman St., Centralia, Illinois 62801. Transferor: Centralia Cartage Co., an Illinois corporation, 650 West Noleman St., Centralia, Illinois 62801. Applicant's representative: Marvin Goldenhersh, 6464 West Main Street, Belleville, Illinois 62223. Authority sought for purchase by transfer of the operating rights of transferor, as set forth in Certificate Nos. MC 13235 and (Subs-7, 8, 11, 13, 14, 15, 16, 17, 18, 19, and 21, issued March 8, 1957, August 7, 1961, March 20, 1963, March 18, 1964, July 21, 1964, August 10, 1965, September 5, 1967, June 7, 1967, April 14, 1967, April 12, 1968, December 18, 1973, and October 15, 1975 as follows: General Commodities, with normal exceptions, over regular routes, Serving points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, as defined by the Commission as off-route points in connection with carrier's regular route operations between St. Louis, Mo., and Olney, Ill.; *General Commodities*, with normal exceptions, Between St. Louis, Mo., and Olney, Illinois, serving all intermediate points, over specified regular routes; *General Commodities*, with normal exceptions, Between Vincennes, Ind., and Lawrenceville, Ill., serving no intermediate points, over specified regular routes; *General Commodities*, with normal exceptions, Between St. Louis, Mo., and Iuka, Ill., serving the intermediate and off route points of Sandoval, Illinois and points on or within five miles of the indicated portions of the route specified below south and east of Sandoval, Illinois; From St. Louis over U.S. Highway 50 via Sandoval, Ill., to junction unnumbered highway and thence over unnumbered highway to Iuka, and return over the same route; Between St. Louis, Mo., and Salem, Ill., serving the intermediate and off-route points of Sandoval, Ill., and points on or within five miles of the indicated portions of the route specified below south and east of Sandoval, Ill.; From St. Louis over U.S. Highway 50 to Sandoval, Ill., thence over U.S. Highway 51 to Centralia, Ill., thence over Illinois Highway 161 to Junction Illinois Highway 37, thence over Illinois Highway 37, to Rome, Ill., and thence return over Illinois Highway 37, via Junction Illinois Highway 161 and 37 to Salem, and return over the same route;

Between St. Louis, Mo., and Lawrenceville, Ill., serving the intermediate points of Trenton, Aviston, Breese, Carlyle, Sandoval, Salem, Flora, Olney, and Bridgeport, Ill., and the intermediate and off-route points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone as defined by the Commission, over specified regular routes; Between McLeansboro, Ill., and Lawrenceville, Ill., serving all intermediate points and off-route point of Albion, Ill., over specified regular routes; Between Salem, Ill., and Sandoval, Ill., serving all intermediate points and the off-route point of Albion, Ill., over specified regular routes; Between Fairfield, Ill., and Flora, Ill., serving all intermediate points and the off-route point of Albion, Ill., over specified regular routes; Between St. Louis, Mo., and Belleville, Ill., serving intermediate and off-route points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, as defined by the Commission, over specified regular routes; Between St. Louis, Mo., and Hoffman, Ill., serving intermediate and off-route points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zones as defined by the Commission, and points within eight miles of Hoffman, Ill., over specified regular routes; Between East St. Louis, Ill., and Hoffman, Ill., as an alternate route for operating convenience only in connection with carrier's regular route operation between St. Louis, Mo., and Hoffman, Ill., serving no intermediate points; over specified regular routes; *General commodities*, with normal exceptions, over irregular routes, between Chicago, Ill., on the one hand, and, on the other, Posey, Hoffman, Bartelso, Germantown, Albers, and New Baden, Illinois. Restriction: The authority is restricted against service between Chicago, Ill., on one hand, and, on the other, Vincennes, Ind.; *General Commodities*, with normal exceptions, over regular routes, Between St. Louis, Mo., and Benton, Ill., serving all intermediate points and the off-route point of Herrin, Ill., over specified regular routes; Between Belleville, Ill., and Benton, Ill., serving all intermediate points, over specified regular routes, Between Pyatts, Ill., and Benton, Ill., serving all intermediate points, over specified regular routes; *General Commodities*, with normal exceptions, Between Chicago, Ill., and Sandoval, Ill., serving no intermediate points, over specified regular routes, Between Chicago, Ill., and Salem, Ill., serving no intermediate points, over specified regular routes:

Between Mt. Vernon, Ill., and Mt. Carmel, Ill., serving the intermediate points of Fairfield and Albion, Ill., over specified regular routes, Between Olney, Ill., and Junction Illinois Highways 1 and 130 near Grayville, Ill., serving the intermediate point of Albion, Ill., over specified regular routes, Between Fairfield, Ill., and Junction U.S. Highway 45 and 460, near Enfield, Ill., serving no intermediate points, over specified regular routes, Between Mt. Vernon, Ill., and McLeansboro, Ill., serving no intermediate points, over specified regular routes, Between Mt. Vernon, Ill., and Benton, Ill., serving no intermediate points, over specified regular routes, Between Benton, Ill., and McLeansboro, Ill., serving no intermediate points, over specified regular routes, Between Pinckneyville, Ill., and Junction Illinois Highway 154 and U.S. Highway 51, serving no intermediate points, over specified regular routes, Between Freeburg, Ill., and Junction U.S. Highway 460 and Illinois Highway 15, near Addieville, Ill., serving no intermediate points, over specified regular routes, Between Okawville, Ill., and New Minden, Ill., serving no intermediate points, over specified regular routes, Between Carlyle, Ill., and Pinckneyville, Ill., serving the intermediate points of Posey, New Minden, and Nashville, Ill., over specified regular routes, *General commodities*, with normal exceptions. Serving Wayne City, Ill., as an intermediate point in connection with carrier's presently authorized regular route operations between Mt. Vernon and Mt. Carmel, Ill., over Illinois Highway 15; Serving Mill Shoals, Ill., as an intermediate point, and Barnhill, Ill., as an off-route point, in connection with carrier's presently authorized regular route operations between Fairfield, Ill., and Junction U.S. Highways 45 and 460, over U.S. Highway 45; *General commodities*, with normal exceptions, Serving all intermediate points on carrier's presently authorized regular route operations over route U.S. Highway 51 between Sandoval and Vandalia, Ill., not including Sandoval and Vandalia; Between Chicago, Ill., and Kankakee, Ill., as an alternate route for operating convenience only, serving no intermediate points and serving Kankakee, Ill., for the purpose of joinder only, over specified regular routes, Between Wayne City, Ill., and McLeansboro, Ill., as an alternate route for operating convenience only, serving no intermediate points, over specified regular routes, Between Junction U.S. Highway 51 and Illinois Highway 14 south of DuQuoin, Ill., and Carbondale, Ill., as an alternate route for operating convenience only, serving no intermediate points, over specified regular routes;

General Commodities, with normal exceptions, Between Chicago, Ill., and Lawrenceville, Ill., in connection with car-

rier's authorized regular-route operations, serving no intermediate points, over specified regular route, Between Junction U.S. Highway 45 and Illinois Highway 49 south of Kankakee, Ill., and Junction U.S. Highway 50 and Illinois Highway 130, in connection with carrier's authorized regular route operations, serving no intermediate points, and serving the junction of U.S. Highway 45 and Illinois Highway 49 south of Kankakee, Ill., for the purpose of joinder only, over specified regular routes, Between Kankakee, Ill., and Junction Illinois Highways 1 and 17, in connection with carrier's authorized regular route operations, serving no intermediate points, and serving the termini for the purpose of joinder only, over specified regular routes, Between Effingham, Ill., and Newton, Ill., in connection with carrier's authorized regular route operations, serving no intermediate points, and serving the termini for purpose of joinder only, over specified regular routes, Between Junction U.S. Highway 45 and Illinois Highway 37 south of Effingham, Illinois, and Junction U.S. Highways 45 and 50 west of Flora, Illinois in connection with carrier's authorized regular route operations, serving no intermediate points, and serving the Junction U.S. Highway 45 and Illinois Highway 37 south of Effingham, Ill., for the purpose of joinder only, over specified regular routes, Between Effingham, Ill., and Vandalia, Ill., in connection with carrier's authorized regular route operations, serving no intermediate points, and serving the termini for purpose of joinder only, over specified regular routes, *General commodities*, with normal exceptions, Serving the site of the Cooper-Jarrett, Inc., Terminal on Frontage Road, approximately one-half mile west of County Line Road, in Du Page County, Ill., as an off-route point, in connection with carrier's presently authorized regular route operations to and from Chicago, Ill. Restriction: The authority is restricted against the transportation of traffic originating at or destined to points in the Chicago, Ill., commercial zone as defined by the Commission; *General Commodities*, with normal exceptions, Serving the plant site of the Hussman Refrigerator Company, located at Taussig Road and St. Charles Rock Road, Bridgeton, Mo., as an off-route point in connection with carrier's presently authorized regular route operations;

General commodities, with normal exceptions, Between Bloomington, Ill., and St. Louis, Mo., in connection with carrier's presently authorized regular route operations, serving no intermediate points, and serving Bloomington, Ill., for purposes of joinder only, over specified regular routes, *General commodities*, with normal exceptions, Between Evansville, Ind., and Grayville, Ill., serving the intermediate points located between Calvin, Ill., and Grayville, Ill., including Calvin, and off-route points of Cowling and Keensburg, Ill., over specified regular routes; *General Commodities*, with normal exceptions, Serving Vandalia, Illinois as a intermediate point on U.S. Highway 51, in connection with carrier's presently authorized regular route authority between Chicago and Sandoval, Ill.; Serving the plant site of the Hussman Refrigerator Company, located at Taussig Road and St. Charles Rock Road, Bridgeton, Mo., as an off-route point in connection with carrier's regular route operations authorized; Serving all intermediate points on U.S. Highway 40 between Highland and Greenville, Ill., including Highland, but not including Greenville, in connection with carrier's regular route operations authorized herein between St. Elmo, Ill., and St. Louis, Mo., Between St. Elmo, Ill., and Greenup, Ill., serving all intermediate points and the off-route points of Toledo and Herrick, Ill., over specified regular routes, Between Pierron, Ill., and St. Louis, Mo., serving intermediate and off-route points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone as defined by the Commission, and those within 15 miles of Pierron, over specified regular routes, Between St. Elmo, Ill., and St. Louis, Mo., serving intermediate points on U.S. Highway 40 between Greenville and St. Elmo, Ill., including Greenville, intermediate and off-route points in the St. Louis, Mo.-East St. Louis, and off-route points within 10 miles of Vandalia, Ill., restricted to livestock, over specified regular routes; Between Mulberry Grove, Ill., and St. Louis, Mo., serving intermediate and off-route points within 10 miles of Mulberry Grove, over specified regular routes;

Agricultural Commodities, over irregular routes, From Strasburg, Ill., and points within 25 miles of Strasburg, to St. Louis, Mo.; *General commodities*, with normal exceptions, From St. Louis, Mo., to Strasburg, Ill., and points within 25 miles of Strasburg (except points in Mattoon, Shelbyville, and Sullivan, Ill.); *Agricultural Implements and Machinery*, Between St. Louis, Mo., on the one hand, and, on the other, points in Fayette County, Ill.; and *General commodities*, with normal exceptions, Serving the facilities of Anaconda Aluminum Company at or near Sebree, Ky., as an off-route point in connection with carrier's presently authorized regular route operations. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-77031 filed March 18, 1977. TRANSFEREE: Betty Rose Hepp, Doing Business As Hepp Truck Service, R.R. 2, New Athens, Illinois 62264. TRANSFEROR: Coal Transport, Inc., R.R. 2, New Athens, Illinois 62264. APPLICANTS' REPRESENTATIVE: Betty Rose Hepp, (address—same as transferee). Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC-79932 issued January 24, 1962, as follows: *Coal*, From East St. Louis, Ill., and points in Illinois within 50 miles of East St. Louis, to St. Louis, Mo., and points in St. Louis County, Mo.; *Sand*, From St. Louis, Mo., to points in Saint Clair County, Ill.; *Ashes* (the residue from burning coal and other combustible materials), Between St. Louis, Mo., and points in St. Louis County, Mo., on the one hand, and, on the other, East St. Louis, Ill., and points within 50 miles of East St. Louis, Ill. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-77032 filed March 18, 1977. TRANSFEREE: Leonard F. Stacer, Jr., 2769 Village Road, Langhorne, Pennsylvania 19047. TRANSFEROR: George Hixson (Alice Viola Hixson—Executrix), Hilman Avenue, Trenton, New Jersey 08638. APPLICANTS' REPRESENTATIVE: Joseph F. Hoary, 121 S. Main St., Taylor, Pennsylvania 18517. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC-56148, issued March 7, 1941, as follows: *Sand* and *gravel*, from Morrisville, Pa., to points and places in Mercer County, N.J.; *Lime*, From Norristown, Pa., to points and places in Mercer County, N.J.; *Lumber*, From Philadelphia, Pa., and Camden, Newark, and Trenton, N.J., to points and places in Mercer County, N.J. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-77042, filed March 15, 1977. TRANSFEREE: Centennial Truck Lines, Inc., 2500-89th St., North Bergen, N.J. 07047. TRANSFEROR: Command Trucking Corp., 91 Moultrie St., Brooklyn, N.Y. 11222. APPLICANTS' REPRESENTATIVE: Robert B. Pepper, Registered Practioner, 168 Woodbridge Ave., Highland Park, N.J. 08904. Authority sought for purchase by transferee of the operating rights for transferor set forth in Certificate No. MC-117412, issued July 12, 1972, as follows: Household goods as defined by the Commission, and general commodities, with specified exceptions, over specified routes, between Morristown, N.J., and New York, N.Y., serving all intermediate points and the off-route points of Dover, Morris Plains, Maplewood, Milburn, Summit, Bernardsville, Murray Hill, and New Providence, N.J.; and household goods as defined by the Commission, and horses and equipment, over irregular routes, between Morristown, N.J., and points within 15 miles thereof, on the one hand, and, on the other, New York, N.Y., and points on Long Island, N.Y., those in Westchester County, N.Y., those in the Philadelphia, Pa., Commercial Zone as defined by the Commission, and points in a described area in Pennsylvania. Transferee presently holds no authority from this Commission; however, it seeks to purchase a portion of the rights of L J P Truck Lines, Inc. in No. MC-FC-77041. Application has been filed for temporary authority under Section 210a(b).

No. MC-FC-77046, filed March 24, 1977. TRANSFEREE: B. J. Trucklines, Inc., 42 North Church St., Grantsville, Utah 84029. TRANSFEROR: Nevada Distributing Co., Inc., Ely, Nevada 89301.

APPLICANTS' REPRESENTATIVE: Robert C. Peterson, 42 North Church St., Grantsville, Utah 84029. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Permit, No. MC-140059 Sub-3, issued May 11, 1976, as follows: IRREGULAR ROUTES: *Dairy products*, with restrictions, from Salt Lake City, Utah, to Denver, Colo., with no transportation for compensation on return except as otherwise authorized. *Beer*, with restrictions. (a) From Golden, Colo., to Reno, Nev., with no transportation for compensation on return except as otherwise authorized. (b) From Golden, Colo., to Winnemucca, Nev., with no transportation for compensation on return except as otherwise authorized. (c) From Golden, Colo., to Elko, Nev., with no transportation for compensation on return except as otherwise authorized. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-77053, filed March 28, 1977. TRANSFEREE: Refrigerated Express, Inc., 720 Twelfth St., Huntington, W. Va. 25701. TRANSFEROR: Helen G. Lee, An Individual doing business as Refrigerated Express, 720 Twelfth St., Huntington, W. Va. 25701. APPLICANTS' REPRESENTATIVE: John M. Friedman, 2930 Putnam Ave., Hurricane, W. Va. 25526; and Helen G. Lee, 720 Twelfth St., Huntington, W. Va. 25701. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC140952, issued February 14, 1977, as follows: *Such commodities* as dealt in by wholesale, retail, and chain grocery and food business houses, between Williamson and Logan, W. Va., on the one hand, and, on the other, points in Wyoming, Logan, and Lincoln Counties, W. Va. Between Logan, W. Va., on the one hand, and, on the other, points in Mingo, Wayne, Cabell, and Putnam Counties, W. Va. Lawrence and Scioto Counties, Ohio, Russell, Ky., Pike, Boyd, and Lawrence Counties, Ky., From Huntington, W. Va., to points in West Virginia, Ohio, and Kentucky, within 100 miles of Huntington. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-77071, filed April 6, 1971. TRANSFEREE: Sea Truck, Inc., 4055 Hubbard Street, Emeryville, California 94608. TRANSFEROR: Busy Bee Freight Lines, Inc., P.O. Box 3364, Modesto, California 95353. APPLICANT'S REPRESENTATIVE: Raymond A. Greene, Jr., 100 Pine Street, Suite 2550, San Francisco, California 94111. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Certificate of Registration No. MC-121731 as follows: General commodities between all points in the San Francisco Territory and within 10 miles of various specified highways. Transferee presently holds no authority from this Commission. Application has been filed for temporary authority under Section 210a(b).

No. MC-FC-77074, filed April 7, 1977. TRANSFEREE: George Hallden Sons, Co., a corporation, 313 Wood St., Youngstown, Ohio 44503. TRANSFEROR: The Z. L. Travis Co., Old State Rt. No. 7, Pottery Ave., Steubenville, Ohio 44503. APPLICANTS' REPRESENTATIVE: Earl N. Merwin, Attorney-at-Law, 85 East Gay St., Columbus, Ohio 43215. Authority sought for purchase by transferee of the operating rights of transferor set forth in Certificate of Registration No. MC-121223 (Sub-No. 1), issued July 16, 1970, as follows: Property from and to Steubenville, Ohio, and all points within a distance of three miles of the city limits thereof; and household goods, office furniture and fixtures from and to any point in Jefferson County, Ohio, subject to certain restrictions. Transferee presently holds no authority from this Commission. Application has been filed for temporary authority under Section 210a(b).

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-11608 Filed 4-20-77;8:45 am]

[Notice No. 51]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 18, 1977.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 29120 (Sub-No. 202TA), filed March 28, 1977. Applicant: ALL-AMERICAN, INC., 900 W. Delaware, P.O. Box 769, Sioux Falls, S. Dak. 57101. Applicant's representative: Ralph H. Jinks (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coolers, heat exchangers, or equalizers* for air, gas, or liquids and such commodities as are used in the manufacture of coolers, heat exchangers, or equalizers including materials, supplies and accessories, between the plantsite and/or storage facilities utilized by Heat Transfer Division, McCord Corporation, at Canton, S. Dak., on the one hand, and on the other, points in Indiana, Michigan, Ohio, and New Stanton, Pa., restricted to traffic originating at or destined to the above-named facilities at Canton, S. Dak., for 180 days. Supporting shipper: McCord Corporation, Michael S. Clark, Traffic Manager, Canton, S. Dak. 57013. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Bldg., Pierre, S. Dak. 57501.

No. MC 29886 (Sub-No. 336TA), filed March 30, 1977. Applicant: DALLAS & MARVIS FORWARDING CO., INC., 4200 39th Ave., Kenosha, Wis. 53140. Applicant's representative: Earl D. Merritt, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrostatic precipitator system parts*, 12 feet 6 inches high, 20 feet long and less than 1.5 inches wide, requiring specially constructed trailers equipped with a side rack for loading safety and with top of trailer floor not more than 12 inches above ground, from Control Manufacturing Systems in Detroit, Mich., to a construction site in New Haven, W. Va., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Wheelabrator-Frye, Inc., Air Pollution Control Division, 600 Grant St., Pittsburgh, Pa. 15219. Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Bldg. and Courthouse, 517 E. Wisconsin Ave., Room 619, Milwaukee, Wis. 53202.

No. MC 30844 (Sub-No. 586 TA), filed March 31, 1977. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial St., Waterloo, Iowa 50702. Applicant's representative: John P. Rhodes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, from the plantsite and shipping facilities of Heinz U.S.A., Division of H. J. Heinz Company, at Fremont, Ohio, to points in New York (on and south of Interstate Highway 84); New Jersey (on and north of New Jersey Highway 33); Massachusetts and Connecticut, for 180 days. Supporting Ship-

per: Heinz U.S.A., Division of H. J. Heinz Company, P.O. Box 57, Pittsburgh, Pa. 15230. Send protests to: Herbert W. Allen, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Bldg., Des Moines, Iowa 50309.

No. MC 30844 (Sub-No. 587 TA), filed March 31, 1977. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 5000, Waterloo, Iowa 50702. Applicant's representative: John P. Rhodes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, meat by-products, articles distributed by meat packing plants, and foodstuffs* (except hides and commodies in bulk), from the plantsite and/or warehouse facilities utilized by Geo. A. Hormel & Co., at or near Knoxville, Iowa, to points in Michigan, New York, Ohio, and Pennsylvania, restricted to traffic originating at named origin and destined to named States; (2) *Meat, meat products, meat by-products and articles distributed by meat packing plants, foodstuffs, packing plant materials, equipment and supplies* (except hides and commodities in bulk), from points in Michigan, New York, Ohio, and Pennsylvania, to the plantsite and/or warehouse facilities utilized by Geo. A. Hormel & Co., at or near Knoxville, Iowa, restricted to traffic originating at named origins and destined to the named destination, for 180 days. Supporting shipper: Geo. A. Hormel & Co., P.O. Box 800, Austin, Minn. 55912. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Bldg., Des Moines, Iowa 50309.

No. MC 47583 (Sub-No. 46TA), filed March 31, 1977. Applicant: TOLLIE FREIGHTWAYS, INC., 1020 Sunshine Rd., Kansas City, Kans. 66155. Applicant's representative: D. S. Hults, P.O. Box 225, Lawrence, Kans. 66044. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cellulose insulation*, in bags, and blowing machines and replacement parts and supplies (except commodities in bulk), from the plantsite and storage facilities of Thermo Products Loose Fill, Inc., at or near Broken Arrow, Okla., to points in the continental United States; and *Materials, equipment, and supplies* used in the manufacture and distribution of cellulose insulation (except commodities in bulk), from points in the continental United States, to the plantsite and storage facilities of Encro Industries, Inc., at or near Broken Arrow, Okla., for 180 days. Supporting shippers: Thermo Products Loose Fill, Inc., 11244 E. 55 Pl., Tulsa, Okla., Encro Industries, Inc., 7308 S. College, Tulsa, Okla. 74136. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 52858 (Sub-No. 116TA); filed March 31, 1977. Applicant: CONVOY COMPANY, 3900 Northwest Yeon Ave., P.O. Box 10185, Portland, Oreg. 97210. Applicant's representative: William C. Parks (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor homes*, in truckaway service in secondary movements, between points in California, on the one hand, and, points in Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming on the other, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Chinook International Inc., 2700 First St., La Verne, Calif. 91750. Send protests to: R. V. Dubay, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 82063 (Sub-No. 75TA), filed April 1, 1977. Applicant: KLIPSCH HAULING CO., 10795 Watson Rd., Sunset Hills, Mo. 63127. Applicant's representative: W. E. Klipsch (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Muriatic acid*, in bulk, in tank vehicles, from Memphis, Tenn., to points in the United States on and east of U.S. Highway 85, and points in New Mexico, Colorado, Wyoming, South Dakota, and North Dakota (except points in Alabama, Arkansas, Delaware, Georgia, Louisiana, Mississippi, Ohio, and Texas), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Velsicol Chemical Corporation, 341 E. Ohio St., Chicago, Ill. 60611. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 N. 12th St., St. Louis, Mo. 63101.

No. MC 107403 (Sub-No. 1007TA), filed March 31, 1977. Applicant: MATLACK, INC., 10 West Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: Martin C. Hynes, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Titanium dioxide*, dry, in bulk, in tank vehicles, from Baltimore, Md., to Selkirk, N.Y., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: SCM Corporation, 900 Union Commerce Bldg., Cleveland, Ohio 44115. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch St., Room 3238, Philadelphia, Pa. 19106.

No. MC 107496 (Sub-No. 1070TA) (Correction), filed March 15, 1977, published in the FEDERAL REGISTER issue of April 5, 1977, and republished as corrected this issue. Applicant: RUAN TRANSPORT CORPORATION, 3200 Ruan Center, 666 Grand Ave., Des Moines, Iowa 50309. Applicant's representative: E. Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid wood preservatives*, in bulk, in tank vehicles; and (2) *Arsenic acid*, in bulk, in tank vehicles, from; (1) Valparaiso, Ind., to Minneapolis, Minn.; Prairie du Chien, Wis.; Munising, Schoolcraft, and St. Clair, Mich.; Washington Court House, Columbus, and Orrville, Ohio; W. Elizabeth, Pa.; and Henry, Tenn.; and (2) Bonham & Bryan, Tex., to Valparaiso, Ind., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Koppers Company, Inc., 850 Koppers Bldg., Pittsburgh, Pa. 15219. Send protest to: Herbert W. Allen, District Supervisor, Interstate Commerce Commission, 518 Federal Bldg., Des Moines, Iowa 50309. The purpose of this republication is to add the commodity description which was omitted in the previous publication.

No. MC 107496 (Sub-No. 1073TA), filed March 30, 1977. Applicant: RUAN TRANSPORT CORPORATION, 3200 Ruan Center, 666 Grand Ave., Des Moines, Iowa 50309. Applicant's representative: E. Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and fertilizer ingredients*, in bulk, from Springfield, Ill., to points in Missouri, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Agrico Chemical Company, P.O. Box 3166, Tulsa, Okla. 74101. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Bldg., Des Moines, Iowa 50309.

No. MC 110064 (Sub-No. 4TA), filed March 28, 1977. Applicant: BILL MEEKER, 1632 North Mosley, P.O. Box 11184, Wichita, Kans. 67214. Applicant's representative: Bill Meeker (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and advertising matter*, from Milwaukee, Wis., to Wichita, Kans., under a continuing contract with S & M Sales, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: S & M Sales, Inc., 3434 W. Harry, Wichita, Kans. 67213. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Suite 101 Litwin Bldg., 110 N. Market, Wichita, Kans. 67202.

No. MC 111309 (Sub-No. 8TA) (correction), filed March 14, 1977, published in the FEDERAL REGISTER issue of April 5, 1977, and republished as corrected this issue. Applicant: NEWPORT TRUCKING CORP., 4600 5th St., Long Island City, N.Y. 11101. Applicant's representative: A. David Milner, 167 Fairfield Rd., Fairfield, N.J. 07006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Flavoring syrup and compounds* (except in bulk), from Long Island City, N.Y., to the following points: Bristol, Fairfield, Windsor, Conn.; Wilmington,

Del.; Annapolis, Baltimore, Cheverly, Harve De Grace, Salisbury, Md.; Allston, Ayer, Cambridge, Mass.; Asbury Park, Atlantic City, Pennsauken, Teterboro, N.J.; Batavia, Buffalo, Cicero, Geneva, Memands (Albany), Newburgh, North Tonowanda, Rochester, Schenectady, Syracuse, N.Y.; Charlotte, Durham, Elkins, Fayetteville, Greensboro, Greenville, Hickory, Lumberton, New Bern, Raleigh, Rocky Mount, Wilmington, Winston-Salem, Goldsboro, Kinston, Littleton, Roxboro, Selma, N.C.; Geistown, Mt. Pleasant, McKees Rock, Newville, Philadelphia, Pa.; Charleston, Cheraw, Columbia, Conway, Florence, Greenville, Spartanburg, S.C.; Charlottesville, Danville, Hollins, Lynchburg, Marion, Petersburg, Newport News, Norfolk, Va., under a continuing contract with Pepsi Cola Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Pepsi Cola Company, Purchase, N.Y. 10577. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007. The purpose of this republication is to correct the applicant's address.

No. MC 111729 (Sub-No. 697TA), filed April 1, 1977. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Elizabeth L. Henoch (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies, advertising literature, and business papers*, between Phoenix, Ariz., and Gallup, N. Mex., restricted to the transportation of traffic having an immediately prior or subsequent movement by air, rail or motor vehicle, for 90 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: GAF Photo Processors, 2933 N. 16th St., Phoenix, Ariz. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 116710 (Sub-No. 29TA), filed March 25, 1977. Applicant: MISSISSIPPI CHEMICAL EXPRESS, INC., P.O. Box 6176, Bissier City, La. 71010. Applicant's representative: Joe T. Lanham, 1102 Perry-Brooks Bldg., Austin, Tex. 78701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry plastic materials*, in bulk, in tank or hopper type motor vehicles, from the plantsite and storage facilities of Texas Eastman Co., at or near Longview, Tex., to points in Illinois, Indiana, Michigan, Nebraska, Ohio, Tennessee and Wisconsin, under a continuing contract with Texas Eastman Company, Division of Eastman Kodak Company, for 180 days. Supporting shipper: Texas Eastman Company, Division of Eastman Kodak Company, P.O. Box 7444, Longview, Tex. 75601. Send protests to: Ray C. Armstrong, Jr., District Supervisor, 701 Loyola Ave., 9038 Federal Bldg., New Orleans, La. 70113.

No. MC 117765 (Sub-No. 227TA), filed March 31, 1977. Applicant: HAHN TRUCK LINE, INC., 5315 N.W. 5th St., P.O. Box 75218, Oklahoma City, Okla. 73107. Applicant's representative: R. E. Hagan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Livestock waterers*, livestock scales and poultry equipment, from Norfolk, Nebr., to points in Arkansas, for 180 days. Supporting shipper: Arkfeld Manufacturing Co., P.O. Box 54, Norfolk, Nebr. 68765. Send protests to: Joe Green, District Supervisor, Room 240 Old Post Office Bldg., 215 N.W. Third St., Oklahoma City, Okla. 73102.

No. MC 123272 (Sub-No. 11TA) (Correction), filed March 18, 1977, published in the FEDERAL REGISTER issue of April 6, 1977, and republished as corrected this issue. Applicant: FAST FREIGHT, INC., 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Joseph M. Scanlan, 111 W. Washington St., Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic or plastic articles N.O.I.*, from the plantsite and its warehouse of Amoco Plastic Products Company of Seymour, Ind., to points in Michigan and Wisconsin, and from points in Michigan and Wisconsin, to Seymour, Ind., for 180 days. Supporting shipper: Amoco Plastic Products Company, C. W. Brock, Traffic & Warehouse Supervisor, Seymour, Ind. 47274. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, Ill. 60604. The purpose of this republication is to change MC No. 123272 (Sub-No. 11TA), in lieu of MC No. 120954 (Sub-No. 2TA).

No. MC 123407 (Sub-No. 359TA), filed March 29, 1977. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: H. E. Miller, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated flat glass*, in trailers equipped with "A" frames, from ports of entry on the International Boundary line at the St. Clair, Detroit, Niagara and St. Lawrence Rivers, crossing points between the United States and Canada, Province of Ontario, to points in Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin, Minnesota, Iowa, Missouri, Kentucky, Tennessee, North Carolina and Washington, D.C., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Pilkington Brothers (Canada) Ltd., 101 Richmond St., West., Toronto, Ontario M5H 1V9. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 W. Wayne St., Suite 113, Fort Wayne, Ind. 46802.

No. MC 124212 (Sub-No. 95TA), filed March 31, 1977. Applicant: MITCHELL TRANSPORT, INC., 6500 Pearl Road, P.O. Box 30248, Cleveland, Ohio 44130. Applicant's representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, Ohio 44114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from Cleveland, Ohio, to points in Ohio, restricted to traffic originating at the plantsite of Louisville Cement Company, at Speed, Ind., and restricted to shipments having an immediately prior movement by rail, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Bessemer Cement Company, Brainard Place, 29001 Cedar Road, Cleveland, Ohio 44124. Consolidate Rail Corporation, Room 450, 6 Penn Center Plaza, Philadelphia, Pa. 19104. Send protests to: James Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Bldg., 1240 E. 9th St., Cleveland, Ohio 44199.

No. MC 128988 (Sub-No. 93TA), filed March 30, 1977. Applicant: JO/KEL, INC., 159 S. Seventh Ave., P.O. Box 1249, City of Industry, Calif. 91749. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials, equipment and supplies* used in the manufacture, production and distribution of heating and air conditioning units, from the plantsite and warehouse facilities of Fraser & Johnston Company, at San Lorenzo, Calif., to the plantsite and warehouse facilities of Luxaire, Inc., located at Elyria, Ohio. Restrictions: Restricted against the transportation of commodities in bulk and those which because of size or weight require the use of special equipment. Further restricted to a transportation service to be performed under a continuing contract with Fraser & Johnston Company, for 180 rays. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Fraser & Johnston Company, 2222 Grant Ave., San Lorenzo, Calif. Send protests to: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Room 1321 Federal Bldg., 300 N. Los Angeles St., Los Angeles, Calif. 90012.

No. MC 129383 (Sub-No. 71TA), filed March 31, 1977. Applicant: PINTO TRUCKING SERVICE, INC., 1414 Calcon Hook Road, Sharon Hill, Pa. 19079. Applicant's representative: Leonard C. Zucker (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (with unusual exceptions), in trailers equipped with roller bed floors, restricted to traffic having a prior or subsequent movement by air, between the airports of

Louisville, Ky.; Cincinnati, Cleveland, Columbus and Dayton, Ohio; Gary, Lafayette, Elkhart, Indianapolis and Fort Wayne, Ind.; Chicago, Ill.; Milwaukee and Appleton, Wis.; Battle Creek and Detroit, Mich.; and Owensboro, Ky., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 9 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch St., Room 3238, Philadelphia, Pa. 19106.

No. MC 129600 (Sub-No. 29TA) (Correction), filed March 21, 1977, published in the FEDERAL REGISTER issue of April 6, 1977, and republished as corrected this issue. Applicant: POLAR TRANSPORT, INC., 176 King St., P.O. Box 44, Hanover, Mass. 02339. Applicant's representative: Frank J. Weiner, 15 Court Sq., Boston, Mass. 02108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lecithin* (except in bulk), from Gibson City, Ill., to Monroe, N.C., under a continuing contract with Central Soya Company, Inc., for 180 days. Supporting shipper: Central Soya Company, Inc., 1300 Fort Wayne National Bank Bldg., Fort Wayne, Ind. 46802. Send protests to: Max Gorenstein, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 150 Causeway St., Boston, Mass. 02114. The purpose of this republication is to correct the requested authority.

No. MC 129645 (Sub-No. 59TA), filed April 1, 1977. Applicant: BASIL J. SMEESTER AND JOSEPH G. SMEESTER, doing business as, SMEESTER BROTHERS TRUCKING, 1339 S. Jackson St., Iron Mountain, Mich. 49801. Applicant's representative: H. G. Denny (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture stock panels, wooden, with veneer facings; wood dimension stock, and wood fiberboard*, in straight or mixed shipments (except that which because of size or weight requires the use of special equipment or handling and commodities in bulk), loose or in bundles, from the facilities utilized by Allied International Inc., located at Hanover, S. Boston and Westfield, Mass., and Norwich and Windsor Locks, Conn., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michiagn, Minnesota, Missouri, North Carolina, Ohio, Tennessee, Virginia and Wisconsin, for 180 days. Supporting shipper: Allied International Inc., Charlestown, Mass. 02129. Send protests to: C.R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 225 Federal Bldg., Lansing, Mich. 48933.

No. MC 133816 (Sub-No. 12TA), filed March 31, 1977. Applicant: K & K WHOLESALE COMPANY, P.O. Box 328, Lowell, Oreg. 97452. Applicant's representative: Howard E. Speer, 835 E. Park St., Eugene, Oreg. 97401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building stone and landscape boulders*, from points in Mono County, Calif., to points in Thurston, Pierce, King and Snohomish Counties, Wash., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Featherock, Inc., 2890 Empire Ave., P.O. Box 6190, Burbank, Calif. 91510. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, 555 S.W. Yamhill St., Portland, Oreg. 97204.

No. MC 134592 (Sub-No. 10TA), filed March 31, 1977. Applicant: HERB MOORE AND HAZEL MOORE, doing business as H & H TRUCKING CO., 10366 N. Vancouver Way, Portland, Oreg. 97217. Applicant's representative: Robert G. Simpson, 1200 Standard Plaza, Portland, Oreg. 97204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, wine and champagne*, from Guerneville, St. Helena, Greton, Sonoma, San Francisco, Brisbane, Menlo Park, Saratoga, San Jose, Los Angeles, Irvine, Napa, Fairfield, Elk Grove, Lodi, Livermore, Ripon, Modesto, San Martin, Madera, Reedley, Van Nuys and Azusa, Calif., to Astoria, Seaside, St. Helens, Hillsboro, McMinnville, Salem, Newport, Lincoln City, Eugene, Springfield, Coos Bay, Roseburg, Medford, Portland, Gressham, Oregon City and Hood River, Oreg.; Bellingham, Burlington, Mt. Vernon, Everett, Seattle, Longview, Kelso, Kalama, Woodland and Vancouver, Wash., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 10 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: R. V. Dubay, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 135599 (Sub-No. 5TA), filed April 1, 1977. Applicant: WITTENBURG TRUCK LINE, INC., P.O. Box 98, Readlyn, Iowa 50668. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Grain wagons and parts*, from Shell Rock, Iowa, to points in Ohio, Illinois, Indiana, Missouri, Nebraska, Kansas, Colorado, Texas, Wisconsin, South Dakota, Michigan, North Dakota, Oklahoma and Minnesota, under a continuing contract with Brent Industries, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Brent Industries, Inc., R. R. No. 1, Shell Rock, Iowa 50670. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Bldg., Des Moines, Iowa 50309.

No. MC 138026 (Sub-No. 8TA), filed March 31, 1977. Applicant: LOGISTICS EXPRESS, INC., Etiwanda & Slover Avenues, Fontana, Calif. 92335. Applicant's representative: David P. Christianson, 606 S. Olive St., Suite 825, Los Angeles, Calif. 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carbon monoxide*, from Long Beach, Calif., and Harris County (La Porte), Tex., to points in Oregon and Washington, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Air Products and Chemicals, Inc., 2021 E. Rosecrans Blvd., E. Segundo, Calif. 90245. Send protests to: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1321 Federal Bldg., 300 N. Los Angeles St., Los Angeles, Calif. 90012.

No. MC 139495 (Sub-No. 223TA), filed April 1, 1977. Applicant: NATIONAL CARRIERS, INC., P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H St. NW., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned foods and canned vegetables*, from Agripac's facilities, at or near Salem and Eugene, Oreg., to points in Arizona, New Mexico, North Dakota, South Dakota, Colorado, Texas, Nebraska, Oklahoma, Missouri, Kansas, Arkansas, Louisiana and Michigan, for 180 days. Supporting shipper: Agripac, Inc., P.O. Box 5346, Salem, Oreg. 97304. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Suite 101 Litwin Bldg., 110 N. Market, Wichita, Kans. 67202.

No. MC 140693 (Sub-No. 12TA), filed March 30, 1977. Applicant: BEER TRANSPORTATION COMPANY, 1122 Germantown Ave., Philadelphia, Pa. 19123. Applicant's representative: Edward J. Kiley, 1730 M St. NW., Suite 501, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from the facilities of the Henry F. Ortlieb Brewing Company, at or near Philadelphia, Pa., to points in Illinois, Indiana and Michigan, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Henry F. Ortlieb Brewing Company, American and Poplar Sts., Philadelphia, Pa. 19123. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch St., Room 3238, Philadelphia, Pa. 19106.

No. MC 141914 (Sub-No. 8TA), filed April 1, 1977. Applicant: FRANKS & SON, INC., P.O. Box 180–A, Big Cabin,

Okla. 74332. Applicant's representative: Gary Brasel, Mezzanine Floor, Beacon Bldg., Tulsa, Okla. 74103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Residential heating and cooling units, their components, accessories and equipment* used in the manufacturing thereof, from the plantsite of Rheem Manufacturing Company, Heating and Air Conditioning Division, at Ft. Smith, Ark., to points in Washington, Oregon, California, Nevada, Arizona, New Mexico and Colorado, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Rheem Manufacturing Co., Heating and Air Conditioning Division, 5600 Old Greenwood Road, Ft. Smith, Ark 72901. Send protests to: Joe Green, District Supervisor, Room 240 Old Post Office Bldg., 215 N.W. Third St., Oklahoma City, Okla. 73102.

No. MC 141924 (Sub-No. 2TA), filed April 1, 1977. Applicant: GOLDEN VALLEY TRANSPORATION, INC., Roberts, Idaho 83444. Applicant's representative: Timothy R. Stivers, P.O. Box 162, Boise, Idaho 83701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the facilities of Golden Valley Packers, Inc., at or near Roberts, Idaho, to Chicago, Ill.; N. Baltimore, Ohio; Folcroft, Pa.; Omaha, Nebr.; Butler, Wis.; Memphis, Tenn.; and Ogden, Utah and points in their respective commercial zones, under a continuing contract with Golden Valley Packers Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Golden Valley Packers Inc., 2190 Tasman, Idaho Falls, Idaho 83401. Send protests to: Barney L. Hardin, District Supervisor, 550 W. Fort St., P.O. Box 07, Boise, Idaho 83724.

No. MC 142065 (Sub-No. 5TA), filed March 31, 1977. Applicant: DAVID BENEUX PRODUCE AND TRUCKING, INC., P.O. Drawer F, Mulberry, Ark. 72947. Applicant's representative: Don Garrison, 324 N. Second St., Rogers, Ark. 72756. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Central heating units, central air conditioning units, furnaces, air coolers, water evaporators, condensing units, compressors, electric motors, parts, equipment and supplies*, from Fort Smith, Ark., to points in Arizona, California, Nevada, Oregon and Washington, under a continuing contract with Rheem Manufacturing Company, Heating and Air Conditioning Division, for 180 days. Supporting shipper: Rheem Manufacturing Company, Heating and Air Conditioning Division, 5600 Old Greenwood Road, Fort Smith, Ark. 72901. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 W. Capitol, Little Rock, Ark. 72201.

No. MC 142207 (Sub-No. 6TA), filed April 1, 1977. Applicant: GULF COAST TRUCK SERVICES, INC., P.O. Box 29486, New Orleans, La. 70189. Applicant's representative: Alan E. Serby, 3379 Peachtree Road, Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board, insulation board sheeting, and interior ceiling*, from the plantsite and warehouse facilities of National Gypsum, Inc., at or near Mobile, Ala., to points in Arkansas, Iowa, Kansas, Louisiana, Mississippi, Missouri, Nebraska, Oklahoma and Texas, for 180 days. Supporting shipper: National Gypsum, Inc., P.O. Box 1184, Mobile, Ala. 36601. Send protests to: Ray C. Armstrong, Jr., District Supervisor, 701 Loyola Ave., 9038 U.S. Federal Bldg., New Orleans, La. 70113.

No. MC 142288 (Sub-No. 2TA), filed April 1, 1977. Applicant: HAMILTON TRUCKING CO. OF OKLAHOMA, INC., 12612 E. Admiral Place, Tulsa, Okla. 74116. Applicant's representative: Gary Brasel, Mezzanine, Floor, Beacon Bldg., Tulsa, Okla. 74103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cullet* (broken glass), between the plantsite of Kerr Glass Company, at Sand Springs, Okla., and the plantsite of Kerr Glass Company, at Waxahacie, Tex., for 180 days. Supporting shipper: Kerr Glass Manufacturing Corp., Sand Springs, Okla. 74063. Send protests to: Joe Green, District Supervisor, Room 240, Old Post Office Bldg., 215 NW. Third St., Oklahoma City, Okla. 73102.

No. MC 142360 (Sub-No. 3TA), filed March 28, 1977. Applicant: SPECIALIZED SERVICE, INC., 320 Hegenberger Road, Suite 31, Oakland, Calif. 94612. Applicant's representative: Raymond A. Greene, Jr., 100 Pine St., Suite 250, San Francisco, Calif. 94111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and frozen pork products*, in mechanically refrigerated equipment, from Davenport, Dubuque, Cedar Rapids, Ottumwa, Marshalltown, Iowa Falls, Waterloo, Estherville, Des Moines, Fort Dodge, Sioux City, Cherokee, Denison, Glenwood, Perry, and Storm Lake, Iowa; Omaha, Fremont, Crete, and Madison, Nebr.; Minneapolis, St. Paul, Austin, Albert Lea, and Worthington, Minn.; Sioux Falls, S. Dak.; Kansas City and Arkansas City, Kans.; and St. Louis and Marshall, Mo.; to Merced, Stanislaus, San Joaquin, Alameda, San Francisco, Santa Clara, Yolo, Los Angeles, San Mateo, Sacramento, and Fresno Counties, Calif., under a continuing contract with Pacific Provisions, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Pacific Provisions, Inc., 139 Mitchell Ave., S. San Francisco, Calif. 94080. Send protests to: A. J. Rodriguez, District Supervisor, 211 Main, Suite 500, San Francisco, Calif. 94105.

No. MC 143101 (Sub-No. 2TA), filed March 29, 1977. Applicant: DISTRIBUTION TRANSPORT CORP., 38 Jackson St., Hoboken, N.J. 07030. Applicant's representative: Bruce J. Robbins, 118-21 Queens Blvd., Forest Hills, N.Y. 11375. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in and used by manufacturers, distributors and dealers of toys, novelties and giftware, between points in the New York, N.Y. Commercial Zone as defined in the Fifth Supplemental Report in Commercial Zones and Terminal Areas, 53 M.C.C. 451, within which local operations may be conducted under the exemption provided by Section 203(b)(8) of the Act (the exempt zone), and South Brunswick, N.J., on the one hand, and, on the other, points in Connecticut, New Jersey, New York, and Pennsylvania, restricted to service to be performed under a continuing contract with Concord Brokerage Corp., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Concord Brokerage Corp., 1115 Broadway, New York, N.Y. 10010. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 143102 (Sub-No. 1TA), filed April 1, 1977. Applicant: ERNEST TEAUFFER, P.O. Box 1749, Calexico, Calif. 92213. Applicant's representative: Jerry Solomon Berger, 433 N. Camden Drive, Beverly Hills, Calif. 90210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unfinished oil*, in bulk, in tank vehicles, from port of entry on the United States-Mexico boundary line located at San Ysidro, Calif., to points in San Diego County, Calif., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Mercantil def Valle, S.A. (a Mexican Corporation), P.O. Box 1692, Mexicali, B.C. Mexico. Combustibles y Lubricantes Noroeste, S.A. (a Mexican Corporation), P.O. Box 562, Calexico, Calif. 92235. Armour Oil Company (a U.C. Corporation), 2085 Kurtz St., San Diego, Calif. 92138. Send protests to: Linda H. Sypher, District Supervisor, Interstate Commerce Commission, Room 1321, Federal Bldg., 300 N. Los Angeles St., Los Angeles, Calif. 90012.

No. MC 143109 (Sub-No. 1TA), filed March 30, 1977. Applicant: ASSOCIATED DIESEL SERVICE, INC., 4999 Jackson, Denver, Colo. 80216. Applicant's representative: Edward A. O'Donnell, 1004 29th St., Sioux City, Iowa 51104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor*

Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite and storage facilities of Flavorland Industries, Inc., at or near Denver, Colo., to points in Connecticut, Delaware, the District of Columbia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, restricted to a transportation service performed under a continuing contract with Flavorland Industries, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Flavorland Industries, Inc., 5590 High St., Denver, Colo. 80216. Send protests to: Herbert C. Ruoff, District Supervisor, 492 U.S. Customs House, 721 19th St., Denver, Colo. 80202.

No. MC 143119 (Sub-No. 1TA), filed April 1, 1977. Applicant: M. C. COLLINS, P.O. Box 185, Holcomb, Mo. 63852. Applicant's representative: Warren H. Sapp, Suite 230, 4420 Madison Bldg., Kansas City, Mo. 64111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bulk, from Caruthersville, Hayti, Holland, and Sikeston, Mo., to points in Clay, Graighead, Greene, Mississippi, and Poinsett Counties, Ark., and Carroll, Crockett, Dyer, Gibson, Lake, Lauderdale, Obion, and Weakley Counties, Tenn. for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: MFA Delta Division, P.O. Box 409, Portageville, Mo. 63873. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 N. 12th St., St. Louis, Mo. 63101.

No. MC 143120 (Sub-No. 1TA), filed March 31, 1977. Applicant: FAR WEST TRANSPORTERS, INC., 14011 Poppleton Circle, Omaha, Nebr. 68137. Applicant's representative: Arlyn Westergren, Suite 530, Univac Bldg., 7100 W. Center Road, Omaha, Nebr. 68106. Authority sought to operate as *a contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber mill products and building materials and accessories*, for the account of Rehcon, Inc.; (1) from Omaha, Nebr., and Little Rock, Ark., to points in Nebraska, Iowa, Kansas, Missouri, Oklahoma, Arkansas, Texas, Louisiana, Mississippi, Alabama, Georgia, Tennessee, Kentucky, Indiana, Illinois, Wisconsin, Minnesota, South Dakota, Colorado, Wyoming, Utah, Idaho, Oregon, Washington, California, Nevada, North Carolina, South Carolina, and Florida; and (2) from points in Oregon, Washington, California, Colorado, Idaho, Montana, Arkansas, Louisiana, Mississippi, Texas, Oklahoma, Minnesota, North Carolina, South Carolina, Florida, Utah, Nevada, Tennessee, Alabama, Wisconsin, Virginia, and West Virginia, to Omaha, Nebr., and Little Rock, Ark., under a continuing contract with Rehcon, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Mike Hales, President, Rehcon, Inc., P.O. Box 37470, Omaha, Nebr. 68137. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 N. 14th St., Omaha, Nebr. 68102.

No. MC 143121 (Sub-No. 1TA), filed March 31, 1977. Applicant: TILLAMOOK CARRIERS, INC., 4906 E. Compton Blvd., Paramount, Calif. 90723. Applicant's representative: Milton W. Flack, 4311 Wilshire Blvd., Suite 300, Los Angeles, Calif. 90010. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glassware, chinaware, earthenware, porcelainware, stoneware, plastic bowls, cups, dishes or plates*, between Lake City and Jeannette, Pa., and Sebring and Bedford Heights, Ohio, on the one hand, and, on the other, points in the United States in and west of New Mexico, Colorado, Wyoming, North Dakota, and South Dakota, under a continuing contract with Jeannette Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Jeannette Corporation, Bullett Ave., Jeannette, Pa. Send protests to: Irene Carlos, Interstate Commerce Commission, Bureau of Operations, Room 1321 Federal Bldg., 300 N. Los Angeles St., Los Angeles, Calif. 90012.

No. MC 143143TA, filed April 1, 1977. Applicant: RICHARD L. HODGES, INC., P.O. Box 141, Unity, Maine 04988. Applicant's representative: Peter L. Murray, 30 Exchange St., Portland, Maine 04111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potato products and frozen vegetables*, from the plantsite of Penobscot Frozen Foods, Inc., Belfast, Maine, to points in Alabama, Florida, Georgia, Louisiana, North Carolina, South Carolina, Tennessee, and Texas, under a continuing contract with Penobscot Frozen Foods, Inc., for 180 days. Supporting shipper: Penobscot Frozen Foods, Inc., P.O. Box 229, Belfast, Maine 04915. Send protests to: Donald G. Weiler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 307, 76 Pearl St., Portland, Maine 04111.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-11609 Filed 4-20-77;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY; ELIMINATION OF GATEWAY APPLICATIONS

APRIL 15, 1977.

The following applications to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(d)(2)), and notice thereof to all interested persons is hereby given as provided in such rules.

Carriers having a genuine interest in an application may file an original and three copies of verified statements in opposition with the Interstate Commerce Commission within 30 days from the date of publication. (This procedure is outlined in the Commission's report and order in Gateway Elimination, 119 M.C.C. 530.) A copy of the verified statement in opposition must also be served upon applicant or its named representative. The verified statement should contain all the evidence upon which protestant relies in the application proceeding including a detailed statement of protestant's interest in the proposal. No rebuttal statements will be accepted.

No. MC 114632 (Sub-No. 103G), filed March 7, 1977. Applicant: APPLE LINES, INC., 212 SW. Second Street, Madison, S. Dak. 57042. Applicant's representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel prefabricated structural components*, from Chicago, Ill., and Porter County, Ind., to points in Kansas. The purpose of this filing is to eliminate the gateway of Atlantic, Iowa.

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY; ELIMINATION OF GATEWAY LETTER NOTICES

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An orginial and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission within 10 days from the date of this publication. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 105045 (Sub-No. E177), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products* (except commodities in bulk) which, because of their size or weight require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with the discovery,

development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts; *Machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, between points in Florida on the one hand, and, on the other, points in Michigan and Wisconsin. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation at Carrollton, Ky.

No. MC 105045 (Sub-No. E178), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products* (except commodities in bulk) which, because of their size or weight, require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts; *Machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, from points in Florida to points in South Dakota, North Dakota, Wyoming, Montana, Idaho, Washington, and Oregon. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation at Carrollton, Ky.

No. MC 105045 (Sub-No. E179), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products* (except commodities in bulk), which, because of their size or weight, require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts; *Machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, between points in Georgia, on the one hand, and, on the other, points in Michigan and Wisconsin. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation at Carrollton, Ky.

No. MC 105045 (Sub-No. E180), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products* (except commodities in bulk) which, because of their size or weight, require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts; *Machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipelines, from points in Georgia to points in North Dakota, South Dakota, Montana, Washington, Oregon, Wyoming, and Utah. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation at Carrollton, Ky.

No. MC 105045 (Sub-No. E181), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products* (except commodities in bulk) which, because of their size or weight, require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts; *Machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, from points in Alabama to points in South Dakota on and west of a line beginning at the South Dakota-Nebraska State line and extending along U.S. Highway 81, to the North Dakota-South Dakota State line. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidate Aluminum Corporation at Carrollton, Ky.

No. MC 105045 (Sub-No. E182), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products* (except commodities in bulk) which, because of their size or weight, require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts; *Machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, between points in Alabama, on the one hand, and, on the other, points in Michigan and Wisconsin. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation at Carrollton, Ky.

No. MC 105045 (Sub-No. E183), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47707. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products* (except commodities in bulk) which, because of their size or weight, require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; *Machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, between points in Missouri, on and north of a line beginning at the Illinois-Missouri State line and extending along Interstate Highway 70 to the Missouri-Kansas State line, on the one hand, and, on the other, points in Georgia. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation at or near Murphysboro, Ill.

No. MC 105046 (Sub-No. E184), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO, INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products* (except commodities in bulk) which, because of their size or weight, require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; *Machinery, materials, equipment, and supplies* used in, or in connec-

tion with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, between points in Missouri, on and north of a line beginning at the Illinois-Missouri State line, and extending along Interstate Highway 70 to the Missouri-Kansas State line, on the one hand, and, on the other, points in Florida. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidate Aluminum Corporation at or near Murphysboro, Ill.

No. MC 105045 (Sub-No. E185), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products* (except commodities in bulk) which, because of their size or weight, require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; *Machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main trunk pipe lines, between points in Missouri on and east of a line beginning at the Missouri-Arkansas State line, and extending along Interstate Highway 55 to junction Interstate Highway 57, thence along Interstate Highway 57 to the Missouri-Illinois State line, on the one hand, and, on the other, points in Wisconsin. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation at or near Murphysboro, Ill.

No. MC 105045 (Sub-No. E186), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products* (except commodities in bulk) which, because of their size or weight, require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; *Machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, between points in Missouri on and east of a line beginning at the Missouri-Arkansas State line and extending along Interstate Highway 55 to junction Interstate Highway 57, thence along Interstate Highway 57 to the Missouri-Illinois State line, on the one hand, and, on the other, points in Minnesota. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation at or near Murphysboro, Ill.

No. MC 105045 (Sub-No. E187), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products* (except commodities in bulk) which, because of their size or weight, require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; *Machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, from points in Missouri on and east of a line beginning at the Missouri-Arkansas State line, and extending along Interstate Highway 55, to junction Interstate Highway 57, thence along Interstate Highway 57 to the Missouri-Illinois State line, to points in New Mexico on or west of a line beginning at the Colorado-New Mexico State line, and extending along Interstate Highway 25 to junction Interstate Highway 10, thence along Interstate Highway 10 to the New Mexico-Arizona State line. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation at or near Murphysboro, Ill.

No. MC 105045 (Sub-No. E188), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products* (except commodities in bulk) which, because of their size or weight, require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; *Machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, from points in Missouri on and east of a line beginning at the Missouri-Arkansas State line, and extending along Interstate Highway 55 to junction Interstate Highway 57, thence along Interstate Highway 57 to the Missouri-Illinois State line, to points in Colorado on or west of a line beginning at the Colorado-Wyoming State line and extending along U.S. Highway 85 to the Colorado-New Mexico State line. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation at or near Murphysboro, Ill.

No. MC 105045 (Sub-No. E189), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products* (except commodities in bulk) which, because of their size or weight, require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; *Machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, from points in Missouri on and east of a line beginning at the Missouri-Arkansas State line, and extending along Interstate Highway 55 to junction Interstate Highway 57, thence along Interstate Highway 57 to the Missouri-Illinois State line, to points in South Dakota. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation at or near Murphysboro, Ill.

No. MC 105045 (Sub-No. E190), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products* (except commodities in bulk), which, because of their size or weight, require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; *Machinery, materials, equipment and supplies* used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, from points in Missouri on

and east of a line beginning at the Missiouri-Arkansas State line, and extending along Interstate Highway 55 to junction Interstate Highway 57, thence along Interstate Highway 57 to the Missouri-Illinois State line, to points in North Dakota. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation at or near Murphysboro, Ill.

No. MC 105045 (Sub-No. E191), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products* (except commodities in bulk) which, because of their size or weight, require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; *Machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, between points in Missouri on and east of a line beginning at the Missouri-Arkansas State line, and extending along Interstate Highway 55 to junction Interstate Highway 57, thence along Interstate Highway 57 to the Missouri-Illinois State line, on the one hand, and, on the other, points in Iowa. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation at or near Murphysboro, Ill.

No. MC 105045 (Sub-No. E192), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products* (except commodities in bulk) which, because of their size or weight, require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; *Machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, between points in Iowa, on the one hand, and, on the other, points in Alabama, Florida and Georgia. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation at or near Murphysboro, Ill.

No. MC 105045 (Sub-No. E193), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products* (except commodities in bulk) which, because of their size or weight, require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; *Machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, between points in Iowa on and east of a line beginning at the Illinois-Iowa State line, and extending along U.S. Highway 61 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Illinois-Iowa State line, on the one hand, and, on the other, points in Mississippi. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation at or near Murphysboro, Ill.

No. MC 105045 (Sub-No. E194), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products* (except commodities in bulk) which, because of their size or weight, require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; *Machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, between points in Iowa on and east of a line beginning at the Illinois-Iowa State line, thence along U.S. Highway 61 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Illinois-Iowa State line, on the one hand, and, on the other, points in Louisiana. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation at or near Murphysboro, Ill.

No. MC 105045 (Sub-No. E195), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products* (except commodities in bulk) which, because of their size or weight, require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; *Machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, between points in Iowa on and east of a line beginning at the Illinois-Iowa State line, and extending along U.S. Highway 61 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Illinois-Iowa State line, on the one hand, and, on the other, points in Arkansas on and south of a line beginning at the Arkansas Tennessee State line, and extending along U.S. Highway 70 to junction U.S. Highway 67, thence along U.S. Highway 67 to the Texas-Arkansas State line. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation at or near Murphysboro, Ill..

No. MC 105045 (Sub-No. E196), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products* (except commodities in bulk) which, because of their size or weight, require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; *Machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, between points in Iowa on and east of a line beginning at the Illinois-Iowa State line, and extending along U.S. Highway 61 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Illinois-Iowa State line, on the one hand, and, on the other, points in Texas on and south of a line beginning at the Texas-Louisiana State line, and extending along Interstate Highway 20, to junction U.S. Highway 80, thence along U.S. Highway 80 to the Texas-New Mexico State line. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation at or near Murphysboro, Ill.

No. MC 105045 (Sub-No. E197), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products* (except commodities in bulk) which, because of their size or weight, require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; *Machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, between points in Arkansas, on the one hand, and, on the other, points in the Upper Peninsula of Michigan. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation at or near Murphysboro, Ill.

No. MC 105045 (Sub-No. E198), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277—1020 Pennsylvania St., Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum* and *Aluminum products* (except commodities in bulk) which, because of their size or weight, require the use of special equipment, except machinery, equipment, materials and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; *Machinery, materials, equipment*, and *supplies* used in, or in connection with the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, from points in Louisiana to points in Minnesota on and east of a line beginning at the Minnesota-Iowa state line, and extending along Interstate Highway 35 to junction Interstate Highway 94 thence along Interstate Highway 94 to the Minnesota-North Dakota state line. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation at or near Murphysboro, Ill.

No. MC 105045 (Sub-No. E199), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, 1020 Pennsylvania St., Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum* and *aluminum products* (except commodities in bulk), which because of their size or weight, require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; *Machinery, materials, equipment*, and *supplies* used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, between points in Mississippi, on the one hand, and, on the other, points in Michigan and Wisconsin. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation at or near Murphysboro, Ill.

No. MC 105045 (Sub-No. E200), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, 1020 Pennsylvania St., Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum* and *aluminum products* (except commodities in bulk), which, because of their size or weight, require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; *Machinery, materials, equipment*, and *supplies* used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, from points in Mississippi on and west of a line beginning at the Tennessee-Mississippi state line, and extending along U.S. Highway 45 to junction Natchez Trace Parkway, thence along Natchez Trace Parkway to junction U.S. Highway 51, thence along U.S. Highway 51, to the Mississippi-Louisiana state line, to points in New Jersey. The purpose of this filing is to eliminate the gateway from the plantsite and storage facilities of Consolidated Aluminum Corporation at or near Murphysboro, Ill.

No. MC 105045 (Sub-No. E201), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, 1020 Pennsylvania St., Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum* and *aluminum products* (except commodities in bulk) which, because of their size or weight, require the use of special equipment, except machinery, equipment, materials and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; *Machinery, materials, equipment*, and *supplies*, used in or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, from points in Tennessee to points in North Dakota and South Dakota. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation at or near Murphysboro, Ill.

No. MC 105045 (Sub-No. E202), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, 1020 Pennsylvania St., Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum* and *aluminum products* (except commodities in bulk) which, because of their size or weight, require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; *Machinery, materials, equipment*, and *supplies*, used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, from points in Tennessee to points in Colorado on and west of a line beginning at the New Mexico-Colorado state line, and extending along Interstate Highway 25 to the Colorado-Wyoming state line. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation at or near Murphysboro, Ill.

No. MC 105045 (Sub-No. E203), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, 1020 Pennsylvania St., Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum* and *aluminum products* (except commodities in bulk), which, because of their size or weight, require the use of special equipment, except machinery, equipment, materials and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products; *Machinery, materials, equipment*, and *supplies* used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, from points in Alabama to points in South Dakota.

The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation at or near Murphysboro, Ill.

No. MC 105045 (Sub-No. E204), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, 1020 Pennsylvania St., Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum* and *aluminum products* (except commodities in bulk) which, because of their size or weight, require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; *Machinery, materials, equipment*, and *supplies* used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, between points in Alabama, on the one hand, and, on the other, points in Iowa and Nebraska. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation at or near Murphysboro, Ill.

No. MC 105045 (Sub-No. E205), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, 1020 Pennsylvania St., Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum* and *aluminum products* (except commodities in bulk) which, because of their size or weight, require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; *Machinery, materials, equipment*, and *supplies* used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, From points in Alabama, to points in Colorado on and north of a line beginning at the Kansas-Colorado state line, and extending along U.S. Highway 50 to junction Colorado state Highway 90, thence along Colorado Highway 90 to the Colorado-Utah state line. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation at or near Murphysboro, Ill.

No. MC 105045 (Sub-No. E206), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, 1020 Pennsylvania St., Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum* and *aluminum products* (except commodities in bulk) which, because of their size or weight, require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; *Machinery, materials, equipment*, and *supplies* used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, From points in Georgia to points in North Dakota, South Dakota and Colorado. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation at or near Murphysboro, Ill.

No. MC 105045 (Sub-No. E207), filed March 24, 1976. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, 1020 Pennsylvania St., Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum* and *aluminum products* (except commodities in bulk) which because of their size or weight, require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; *Machinery, Materials, equipment*, and *supplies* used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipe lines, Between points in Georgia, on the one hand, and, on the other, points in Kansas and Nebraska. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation at or near Murphysboro, Ill.

No. MC 107064 (Sub-No. E461), filed December 19, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer solutions* and *liquid fertilizer ingredients*, in bulk in tank vehicles from points in Wyoming, to points in that part of Alabama on, South and East of a line commencing at the Mississippi-Alabama State Line and extending along U.S. Highway 11 to Birmingham, Alabama, thence along Interstate Highway 65 to the Alabama-Tennessee State line, restricted against the transportation of chemicals. The purpose of this filing is to eliminate the gateway of plant site of Occidental Chemical Company in Hale County, Texas.

No. MC 107064 (Sub-No. E462), filed December 19, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* and *fertilizer ingredients* (except petroleum products and potash from points in Montana to points in Parmer, Castro, Swisher, Briscoe, Hall, Bailey, Lamb, Hale, Floyd, Motley, Cochran, Hockley, Lubbock, Crosby, Dickens, Yoakum, Terry, Lynn, Garza, and Kent Counties, Tex. and points on and West of U.S. Highway 83 in Childress, Cottle, King, and Stonewall Counties, Tex., restricted against the transportation of chemicals. The purpose of this filing is to eliminate the gateway of plant site of Occidental Chemical Company in Hale County, Texas.

No. MC 107064 (Sub-No. E-463), filed December 19, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* and *fertilizer ingredients* (except liquid sulphur and petroleum products) from points in South Carolina on and South of a line commencing at the Georgia-South Carolina State Line and extending along U.S. Highway 378 to Conway, South Carolina thence along U.S. Highway 701 to the South Carolina-North Carolina State Line to points in Colorado, restricted against the transportation of chemicals. The purpose of this filing is to eliminate the gateway of plant site of Occidental Chemical Company in Hale County, Tex.

No. MC 107064 (Sub-No. E464), filed December 19, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* and *fertilizer ingredients* (except petroleum products and potash) from points in Parmer, Castro, Swisher, Briscoe, Hall, Bailey, Lamb, Hale, Floyd, Motley, Cochran, Hockley, Lubbock, Crosby, Dickens, Yoakum, Terry, Lynn, Garza, and Kent Counties, Tex., and points on and West of U.S. Highway 83 in Childress, Cottle, King, and Stonewall Counties, Tex. to points in Nevada. The purpose of this filing is to eliminate the gateway of plant site of Occidental Chemical Company in Hale County, Texas.

No. MC 107064 (Sub-No. E465), filed December 19, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular

routes, transporting: *Fertilizer* and *fertilizer ingredients* (except petroleum products and potash) from points in South Carolina to points in Parmer, Castro, Swisher, Briscoe, Hall, Bailey, Lamb, Hale, Floyd, Motley, Cochran, Hockley, Lubbock, Crosby, Dickens, Yoakum, Terry, Lynn, Garza, and Kent Counties, Tex. and points on and West of U.S. Highway 83 in Childress, Cottle, King, and Stonewall Counties, Tex., restricted against the transportation of chemicals. The purpose of this filing is to eliminate the gateway of plant site of Occidental Chemical Company, Hale County, Texas.

No. MC 107064 (Sub-No. E466), filed December 19, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* and *fertilizer ingredients* (except liquid sulphur and petroleum products) from points in New Mexico in and south of Valencia, Torrance, Lincoln, De Baca and Roosevelt Counties, N. Mex. to points in Missouri on and south of Interstate Highway 70. The purpose of this filing is to eliminate the gateway of plant site of Occidental Chemical Company, Hale County, Texas.

No. MC 107064 (Sub-No. E467), filed December 19, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* and *fertilizer ingredients* (except petroleum products and potash) from points in Nevada to points in Parmer, Castro, Swisher, Briscoe, Hall, Bailey, Lamb, Hale, Floyd, Motley, Cochran, Hockley, Lubbock, Crosby, Dickens, Yoakum, Terry, Lynn, Garza, and Kent Counties, Tex. and points on and West of U.S. Highway 83 in Childress, Cottle, King, and Stonewall Counties, Tex., restricted against the transportation of chemicals. The purpose of this filing is to eliminate the gateway of plant site of Occidental Chemical Company in Hale County, Tex.

No. MC 107064 (Sub-No. E468), filed December 19, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* and *fertilizer ingredients* (except petroleum products and potash) from points in Parmer, Castro, Swisher, Briscoe, Hall, Bailey, Lamb, Hale, Floyd, Motley, Cochran, Hockley, Lubbock, Crosby, Dickens, Yoakum, Terry, Lynn, Garza, and Kent Counties, Tex., and points on and west of U.S. Highway 83 in Childress, Cottle, King, and Stonewall Counties, Tex. to points in North Carolina. The purpose of this filing is to eliminate the gateway of plant site of Occidental Chemical Company in Hale County, Texas.

No. MC 107064 (Sub-No. E469), filed December 19, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* and *fertilizer ingredients* (except petroleum products and potash) from points in Wisconsin to points in Parmer, Castro, Swisher, Briscoe, Hall, Bailey, Lamb, Hale, Floyd, Motley, Cochran, Hockley, Lubbock, Crosby, Dickens, Yoakum, Terry, Lynn, Garza, and Kent Counties, Tex., and points on and west of U.S. Highway 83 in Childress, Cottle, King, and Stonewall Counties, Tex. The purpose of this filing is to eliminate the gateway of plant site of Occidental Chemical Company.

No. MC 107064 (Sub-No. E470), filed December 19, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer solutions* and *liquid fertilizer ingredients*, in bulk, in tank vehicles, from points in New Mexico on, south and west of a line beginning at the Colorado-New Mexico State line and extending along U.S. Highway 84 to its intersection with U.S. Highway 66, thence along U.S. Highway 66 to the New Mexico-Texas State line to points in Kentucky, restricted against the transportation of chemicals. The purpose of this filing is to eliminate the gateway of plant site of Occidental Chemical Company, Hale County, Texas.

No. MC 107993 (Sub-No. E3), filed June 4, 1974. Applicant: J. J. WILLIS TRUCKING COMPANY, P.O. Box 5328, Dallas, Tex. 75222. Applicant's representative: Kenneth Weeks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Earth drilling machinery* and *equipment*, and *machinery, equipment, materials* and *supplies* and *pipe* incidental to, used in, or in connection with (a) transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells; (1) between points in Arizona (except points on, north, and east of a line beginning at the Arizona-New Mexico state line and extending along U.S. Highway 66 to Flagstaff, Arizona, thence along U.S. Highway 89 to the Arizona-Utah state line), on the one hand, and, on the other, points in Kansas (except points in Cheyenne, Rawlins, Decatur, Sheridan, Thomas, Sherman, Wallace, Logan, Gove, Greeley, Wichita, and Scott Counties, Kans.); (2) between points in Arizona, on the one hand, and, on the other, points in Oklahoma; (3) between points in Kansas, on the one hand, and, on the other, points in Louisiana;

(4) Between points in Phillips, Smith, Jewell, Republic, Washington, Marshall, Nemaha, Brown, Doniphan, Rooks, Osborne, Mitchell, Cloud, Clay, Riley, Pottawatomie, Jackson, Atchison, Jefferson, Leavenworth, Ottawa, Lincoln, Shawnee, Wabaunsee, Wyandotte, Ellis, Russell, Dickinson, Geary, Douglas, Johnson, Saline, Ellsworth, Morris, Osage, Lyon, Franklin, Miami, Rush, Barton, McPherson, Marion, Rice, Chase, Coffey, Anderson, Linn, Pawnee, Stafford, Reno, Harvey, Greenwood, Edwards, Butler, Woodson, Allen, Bourbon, Sedgwick, Pratt, Kiowa, Kingman, Wilson, Neosho, Crawford, Elk, Ford, Meade, Clark, Comanche, Barber, Harper, Sumner, Cawley, Montgomery, Labette, Cherokee, Seward and Chautauqua Counties, Kans., on the one hand, and, on the other, Colfax, Union, Mora, Harding, McKinley, Sandoval, Los Alamos, Sante Fe, San Miguel, Valencia, Bernalillo, Torrance, Guadalupe, Quay, Catron, Socorro, De Baca, Curry, Lincoln, Roosevelt, Chaves, Sierra, Otero, Lea, Grant, Hidalgo, Luna, Dona Ana and Eddy Counties, N. Mex.; (5) between points in Louisiana, on the one hand, and, on the points, points in Oklahoma; (6) between points in New Mexico, on the one hand, and, on the other, points in Oklahoma, restricted in (6) above, against service between points in Union and Colfax Counties, N. Mex., on the one hand, and, on the other, points in Cimarron County, Okla. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 112070 (Sub-No. E107), filed June 4, 1974. Applicant: GRAY MOVING & STORAGE, INC., 1290 South Pearl, Denver, Colo. 80210. Applicant's representative: D. R. Gray (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (a) between points in New Jersey, on the one hand, and, on the other, points in Texas on and west of a line beginning at the Texas-Oklahoma state line, and extending along U.S. Highway 271 to junction Texas Highway 19, to junction Texas Highway 19–154, to junction U.S. Highway 69, to junction U.S. Highway 59, to junction U.S. Highway 75, thence along U.S. Highway 75 to the Gulf of Mexico; (b) between points in New Jersey on and west of a line beginning at the Atlantic Ocean and extending along New Jersey Highway 33, to junction U.S. Highway 130, thence along U.S. Highway 130 to the Delaware River, on the one hand, and, on the other, to points in Sebastian County, Ark.; (c) between points in New Jersey, on the one hand, and, on the other, points in Texas on and west of a line beginning at the Texas-Oklahoma state line and extending along U.S. Highway 69 and 75 to junction Interstate Highway 35, to junction U.S. Highway 90, thence along U.S. Highway 90 to the International Boundary between the United States and Mexico. The purpose of this filing is to eliminate the gateways

of points in Missouri, Enid, Oklahoma and points within 90 miles thereof.

No. MC 112070 (Sub-No. E108), filed June 4, 1974. Applicant: GRAY MOVING & STORAGE, INC., 1290 South Pearl, Denver, Colo. 80210. Applicant's representative: D. R. Gray (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (a) Between points in New York on and west and north of a line beginning at the New York-Vermont state line, and extending along New York Highway 149, to junction New York Highway 40, to junction New York Highway 196, to junction New York Highway 28, to junction New York Highway 12, thence along New York Highway 12 to Lake Ontario, on the one hand, and, on the other, to those points in Texas on and west of a line beginning at the Texas-Oklahoma state line and extending along U.S. Highway 271 to junction U.S. Highway 259 to junction U.S. Highway 69, thence along U.S. Highway 69 to the Gulf of Mexico; (b) Between points in New York, on the one hand, and, on the other, those points in Texas on and west of a line beginning at the Texas-Oklahoma state line, and extending along U.S. Highway 69 and 75, to junction Interstate Highway 75, to junction U.S. Highway 183, thence along U.S. Highway 183 to the Gulf of Mexico. The purpose of this filing is to eliminate the gateway of points in Illinois, Missouri, Enid, Oklahoma and points within 90 miles thereof.

No. MC 112070 (Sub-No. E109), filed June 4, 1974. Applicant: GRAY MOVING & STORAGE, INC., 1920 South Pearl, Denver, Colo. 80210. Applicant's representative: D. R. Gray (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (a) between points in Indiana, on the one hand, and, on the other, points in Texas on and north of a line beginning at the Texas-Oklahoma state line and extending along U.S. Highway 60 to junction U.S. Highway 66, thence along U.S. Highway 66 to the Texas-New Mexico state line, and points in El Paso County, Tex.; (b) between points in Indiana on and north of a line beginning at the Illinois-Indiana state line, and extending along Interstate Highway 74 to junction Indiana Highway 32, thence along Indiana Highway 32 to the Indiana-Ohio state line, on the one hand, and, on the other, points in Texas on and west of a line beginning at the Texas-Colorado state line, and extending along U.S. Highway 287 to junction U.S. Highway 87 to junction U.S. Highway 80, thence along U.S. Highway 80 to the International Boundary line between the United States and Canada; (c) between points in Indiana, on the one hand, and, on the other, points in Texas on and west of a line beginning at the Texas-Oklahoma state line, and extending along U.S. Highway 75 to junction Interstate Highway 35, thence along Interstate Highway 35 to the International Boundary between United States and Mexico; (d) between points in Indiana on and north of a line beginning at the Indiana-Ohio state line and extending along U.S. Highway 6, thence along U.S. Highway 6, to the Illinois-Indiana state line, on the one hand, and, on the other, those points in Texas on and west of a line beginning at the Oklahoma-Texas state line, and extending along U.S. Highway 271 to junction Texas Highway 154, to junction Texas Highway 37, to junction U.S. Highway 69, to junction U.S. Highway 59, to junction Texas Highway 288, thence along Texas Highway 288, to the Gulf of Mexico;

(e) Between points in Indiana, on the one hand, and, on the other, points in Cimmaron and Texas Counties, Okla.; (f) between points in Indiana on and north of a line beginning at the Indiana-Ohio state line, and extending along U.S. Highway 40 to junction Interstate Highway 74, thence along Interstate Highway 74 to the Indiana-Illinois state line, on the one hand, and, on the other, points in Oklahoma on and west of a line beginning at the Oklahoma-Kansas state line and extending along U.S. Highway 77 to junction U.S. Highway 177, to junction U.S. Highway 270, to junction U.S. Highway 75, to junction Oklahoma Highway 3, to junction U.S. Highway 75, thence along U.S. Highway 75 to the Oklahoma-Texas state line; (g) between points in Indiana on and north of a line beginning at the Indiana-Ohio state line and extending along Indiana Highway 32, thence along Indiana Highway 32 to the Indiana-Illinois state line, on the one hand, and, on the other, points in Oklahoma; (h) between points in Indiana, on the one hand, and, on the other, points in Okfuskee, Noble, Payne, Osage, Oklahoma, Canadian, Grady, McClain, Pottawatomie, Lincoln, Seminole, Major and Garfield Counties, Okla. The purpose of this filing is to eliminate the gateways of points in Illinois, Missouri, Enid, Okla., and points within 90 miles thereof.

No. MC 112070 (Sub-No. E110), filed June 4, 1974. Applicant: GRAY MOVING & STORAGE, INC., 1290 South Pearl, Denver, Colo. 80210. Applicant's representative: D. R. Gray (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (a) between points in Ohio, on the one hand, and, on the other, points in Texas on and west of a line beginning at the Texas-Oklahoma state line and extending along Texas Highway 79 to junction U.S. Highway 283, to junction U.S. Highway 67, to junction U.S. Highway 277, thence along U.S. Highway 277 to the International Boundary line between the United States and Mexico; (b) between points in Ohio on and north of a line beginning at the Ohio-Pennsylvania state line, and extending along U.S. Highway 224, thence along U.S. Highway 224, to U.S. Highway 30, thence along U.S. Highway 30 to the Indiana-Ohio state line, on the one hand, and, on the other, those points in Texas on and west of a line beginning at the Texas-Oklahoma state line, and extending along U.S. Highway 271 to junction Texas Highway 19–154 to junction U.S. Highway 69, to junction Texas Highway 155, to junction U.S. Highway 287, to junction Texas Highway 19, to U.S. Highway 75, thence along U.S. Highway 75 to the Gulf of Mexico. The purpose of this filing is to eliminate the gateways of points in Illinois, Missouri and Enid, Okla., and points within 90 miles thereof.

No. MC 113855 (Sub-No. E386), filed July 2, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal and Metal articles*, (a) between points in Minnesota on and west of U.S. Highway 59 from the Minnesota-Manitoba border in a southerly direction to the junction of U.S. Highway 2, thence along U.S. Highway 2 to Bemidji, thence along U.S. Highway 71 to the Minnesota-Iowa State line, on the one hand, and, on the other, points in New York on and east of New York Highway 30 from the United States-Canada International Boundary line in a southerly direction to junction New York Highway 17, thence along New York Highway 17 to the New York-Pennsylvania State line; and (b) between points in Minnesota on, and south, and west of Minnesota Highway 28 from the Minnesota-South Dakota State line to junction U.S. Highway 59, thence along U.S. Highway 59 to the Minnesota-Iowa State line, on the one hand, and, on the other, points in New York on and east of a line beginning at Oswego, N.Y., along New York Highway 57 to junction Interstate Highway 81, thence along Interstate Highway 81 to the New York-Pennsylvania State line.

The purpose of this filing is to eliminate the gateways of South Dakota and points in Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line and extending along numbered highway (formerly portion U.S. Highway 15) to junction Business U.S. Highway 15, near Fairplay, Pa., thence along Business U.S. Highway 15 through Gettysburg, Pa., to junction U.S. Highway 15, thence along U.S. Highway 15 to junction unnumbered highway (formerly portion U.S. Highway 15), thence along unnumbered highway through Clear Spring, Pa., to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line (except points in Berks, Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa., and points in Pennsylvania on and east of the above described line in Adams, York, Cumberland, Perry, Dauphin, Lebanon, and Lancaster Counties, Pa., and points in Pennsylvania on and east of U.S. Highway 15 and north of the East Branch of the Susquehanna River in Tioga, Bradford, Lycoming, Sullivan,

Union, Snyder, Northumberland, Montour, and Columbia Counties, Pa.).

No. MC 113855 (Sub-No. E387), filed July 2, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochestser, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal and metal articles*, (A) between points in Kansas on and west of a line beginning at the Kansas-Nebraska State line and extending along U.S. Highway 77 to junction Interstate Highway 70, to junction U.S. Highway 81 to the Kansas-Oklahoma State line, on the one hand, and, on the other, points in Ohio on and north of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 6 to junction U.S. Highway 20, to junction U.S. Highway 13, to junction U.S. Highway 224 to the Ohio-Pennsylvania State line, (B) between points in Kansas on, west and north of a line beginning at the Kansas-Nebraska State line and extending along U.S. Highway 281 to junction U.S. Highway 40, to junction Kansas Highway 96, to the Kansas-Colorado State line, on the one hand, and, on the other, points in Ohio south of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 6 to junction U.S. Highway 20, to junction U.S. Highway 13, to junction U.S. Highway 224 to the Ohio-Pennsylvania State line.

(C) between points in Kansas on and west of a line beginning at the Kansas-Nebraska State line and extending along U.S. Highway 77 to junction Interstate Highway 35, to the Kansas-Oklahoma State line, on the one hand, and, on the other, points in Pennsylvania on, north and east of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 422 to junction U.S. Highway 220, to the Pennsylvania-Maryland State line. (D) between points in Kansas on, west, and north of a line beginning at the Nebraska-Kansas State line and extending along U.S. Highway 81 to junction U.S. Highway 50, to junction U.S. Highway 281, to the Kansas-Oklahoma State line, on the one hand, and, on the other, points in Pennsylvania south and west of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 422 to junction U.S. Highway 220, to the Pennsylvania-Maryland State line. The purpose of this filing is to eliminate the gateway of South Dakota.

No. MC 113855 (Sub-No. E388), filed July 2, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal and Metal articles* between points in Oregon, on the one hand, and, on the other, points in Indiana. The purpose of this filing is to eliminate the gateway of points in Utah.

No. MC 113855 (Sub-No. E389), filed July 7, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal and Metal Articles* (A) between points in Wyoming, on the one hand, and, on the other, points in Ohio and Pennsylvania, and (B) between points in Wyoming, on the one hand, and, on the other, points in Iowa. The purpose of this filing is to eliminate the gateway of South Dakota east of the Missouri River.

No. MC 113855 (Sub-No. E391), filed July 7, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal and Metal articles* (a) between points in Kansas on and west of U.S. Highway 281, on the one hand, and, on the other, points in Illinois on, north, and west of a line beginning at Lake Michigan and extending along U.S. Highway 66 to junction Illinois Highway 53, thence along Illinois Highway 53 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Illinois-Iowa State line; and (b) between points in Kansas east of U.S. Highway 281 and on and west of U.S. Highway 77, on the one hand, and, on the other, points in Illinois on and north of Illinois Highway 64. The purpose of this filing is to eliminate the gateways of South Dakota, and Davenport, Iowa.

No. MC 113855 (Sub-No. E392), filed July 7, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal and Metal articles* between points in Nebraska, on the one hand, and, on the other, points in Ohio and Pennsylvania. The purpose of this filing is to eliminate the gateway of South Dakota.

No. MC 113855 (Sub-No. E393), filed July 2, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal and Metal articles* (a) between points in that part of Iowa on and west of U.S. Highway 71 and on and north of Iowa Highway 175, on the one hand, and, on the other points in that part of Kentucky east and south of a line beginning at the Tennessee-Kentucky State line at or near Jellico extending along Interstate Highway 75 to Lexington, Ky., thence along Interstate Highway 64 to the Kentucky-West Virginia State line (except points on the described line) (South Dakota or points in Minnesota or Iowa within 50 miles of Sioux Falls, S. Dak., and Elgin, Ill.*).

(b) Between points in that part of Iowa on and north and west of a line beginning at Council Bluffs, Iowa, extending along Interstate Highway 80 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Iowa Highway 175, thence along Iowa Highway 175 to junction U.S. Highway 71, thence along U.S. Highway 71 to the Iowa-Minnesota State line, on the one hand, and, on the other, points in West Virginia and points in Kentucky (except points in Kentucky east and south of a line beginning at the Tennessee-Kentucky State line at or near Jellico extending along Interstate Highway 75 to Lexington, thence along Interstate Highway 64 to the Kentucky-West Virginia State Line) (South Dakota or points in Minnesota or Iowa within 50 miles of Sioux Falls, S. Dak., and Elgin, Ill.*);

(c) Between points in that part of Iowa on, west, and north of a line beginning at Council Bluffs extending along Interstate Highway 80 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Iowa Highway 175, thence along Iowa Highway 175 to junction U.S. Highway 71, thence along U.S. Highway 71 to the Iowa-Minnesota State line, on the one hand, and on the other, points in that part of New York on and east of a line beginning at Oswego, N.Y., extending along New York Highway 57 to junction Interstate Highway 81, thence along Interstate Highway 81 to the New York-Pennsylvania State line; and

(d) Between points in that part of Iowa on and west of U.S. Highway 169 beginning at the Iowa-Minnesota State line extending along U.S. Highway 20 to junction U.S. Highway 71, thence along U.S. Highway 71 to the Iowa-Missouri State line (except points described in (c) above), on the one hand, and, on the other, points in that part of New York east of a line beginning at the United States-Canada International Boundary line extending along New York Highway 30 to junction New York Highway 17, thence along New York Highway 17 to the New York-Pennsylvania State line at Hancock, N.Y. (as to (c) and (d) above), the gateway eliminated is points in South Dakota and points in that part of Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line extending along unnumbered highway (formerly portion U.S. Highway 15) to junction Business U.S. Highway 15 near Fairplay, thence along Business U.S. Highway 15 through Gettysburg to junction U.S. Highway 15 to junction unnumbered highway (former portion U.S. Highway 15), thence along unnumbered highway through Clear Spring to junction U.S. Highway 15,

thence along U.S. Highway 15 to the Pennsylvania-New York State line (except points in Berks, Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa., and points in Pennsylvania on and east of the above-described line in Adams, York, Cumberland, Perry, Dauphin, Lebanon, and Lancaster Counties, Pa., and points in Pennsylvania on and east of U.S. Highway 15 and north of the East Branch of the Susquehanna River in Tioga, Bradford, Lycoming, Sullivan, Union, Snyder, Northumberland, Montour, and Columbia Counties, Pa.*);

(e) Between points in that part of Iowa on and west of a line beginning at the Iowa-Minnesota State line extending along U.S. Highway 169 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 71, thence along U.S. Highway 71 to the Iowa-Missouri State line, on the one hand, and, on the other, points in Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware and the District of Columbia (points in South Dakota or points in Iowa or points in Minnesota within 50 miles of Sioux Falls, S. Dak., and points in Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line extending along unnumbered highway (formerly portion U.S. Highway 15) to junction Business U.S. Highway 15 near Fairplay, thence along Business U.S. Highway 15 through Gettysburg to junction U.S. Highway 15, thence along U.S. Highway 15 to junction unnumbered highway (formerly portion U.S. Highway 15), thence along unnumbered highway through Clear Spring, to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line (except points in Berks, Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa., and points in Pennsylvania on and east of the above-described line in Adams, York, Cumberland, Perry, Dauphin, Lebanon, and Lancaster Counties, Pa., and points in Pennsylvania on and east of U.S. Highway 15 and north of the East Branch of the Susquehanna River in Tioga, Bradford, Lycoming, Sullivan, Union, Snyder, Northumberland, Montour, and Columbia Counties, Pa., or alternately, the gateways described immediately above with Elgin, Ill., and that area in Pennsylvania described immediately above which is within the area bounded by points in Scranton, Reading, Allentown, Harrisburg, Lancaster, and Hazleton, Pa., and lines in that part of Pennsylvania south and west of a line beginning at the Pennsylvania-Ohio State line extending along U.S. Highway 224 to junction U.S. Highway 422, thence along U.S. Highway 422 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction unnumbered highway near Portersville, thence along unnumbered highway via Prospect to junction U.S. Highway 422, thence along U.S. Highway 422 to Ebensburg, thence along U.S. Highway 22 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction Pennsylvania highway 641 (formerly Pennsylvania Highway 433), thence along Pennsylvania Highway 641 to junction Pennsylvania Highway 997, thence along Pennsylvania Highway 997 to the Pennsylvania-Maryland State line including points on the indicated portions of the Highway specified*); and

(f) Between points in that part of Iowa on, west and north of a line beginning at the Iowa-Minnesota State line extending along U.S. Highway 71 to junction Iowa Highway 175, thence along Iowa Highway 175 to the Iowa-Nebraska State line, on the one hand, and, on the other, points in that part of Virginia on and east of a line beginning at the West Virginia-Virginia State line extending along U.S. Highway 522 to junction Interstate Highway 64, thence along Interstate Highway 64 to junction U.S. Highway 301, thence along U.S. Highway 301 to the Virginia-North Carolina State line and points in Maryland (except points in Garrett and Alleghany Counties), (points in South Dakota, and points in that part of Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line extending along unnumbered highway (formerly portion U.S. Highway 15) to junction Business U.S. Highway 15 near Fairplay, thence along Business U.S. Highway 15 through Gettysburg to junction U.S. Highway 15, thence along U.S. Highway 15 to junction unnumbered highway (formerly portion U.S. Highway 15), thence along unnumbered highway through Clear Spring to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line (except points in Berks, Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa., and points in Pennsylvania on and east of the above-described line in Adams, York, Cumberland, Perry, Dauphin, Lebanon, and Lancaster Counties, Pa., and points in Pennsylvania on and east of the U.S. Highway 15 and north of the East Branch of the Susquehanna River in Tioga, Bedford, Lycoming, Sullivan, Union, Snyder, Northumberland, Montour, and Columbia Counties, Pa.*). The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC-113855 (Sub-No. E394), filed July 2, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal and metal articles*, (A) between points in Iowa on and west of U.S. Highway 71 and on and north of Iowa Highway 175, on the one hand, and, on the other, (i) points in Missouri on and west of U.S. Highway 71 and on and south of U.S. Highway 40, and points in Wisconsin, Illinois, Indiana, and Michigan (South Dakota, or points in Minnesota within 50 miles of Sioux Falls, S.D.*); (ii) points in Ohio and Pennsylvania (South Dakota*); (B) between points in Iowa on and west of U.S. Highway 71, on the one hand, and, on the other, points in Wisconsin on, north, and west of a line beginning at the Minnesota-Wisconsin State line and extending along U.S. Highway 16 to junction Wisconsin Highway 33, to junction Wisconsin Highway 68, to junction U.S. Highway 151 to Lake Michigan, and points in the Upper Peninsula of Michigan. (South Dakota, or points in Minnesota within 50 miles of Sioux Falls, S.D.*); (C) between points in Iowa south of Iowa Highway 175 and on and west of U.S. Highway 71, on the one hand, and, on the other, points in Ohio on and north of U.S. Highway 422, and points in Pennsylvania on and east of Pennsylvania Highway 51 (South Dakota*). The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC-113855 (Sub-No. E395), filed July 2, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal and metal articles*, between points in Idaho, on the one hand, and, on the other, points in Michigan. The purpose of this filing is to eliminate the gateway of (1) points in Utah, (2) points in Montana and those points in South Dakota east of the Missouri River, and (3) points in Wyoming and those in South Dakota east of the Missouri River.

No. MC-113855 (Sub-No. E396), filed July 7, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal and Metal articles*, between points in the Lower Peninsula of Michigan, on the one hand, and, on the other, points in Minnesota on and west of U.S. Highway 59. The purpose of this filing is to eliminate the gateway of points in South Dakota or points in Minnesota within 50 miles of Sioux Falls.

No. MC-113855 (Sub-No. E397), filed July 7, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal and metal articles* (a) between points in Minnesota on and west of U.S. Highway 71, on the one hand, and, on the other, points in Missouri; and (b) between points in Minnesota on, north and west of Minnesota Highway 60, on the one hand, and, on the other, points in Missouri on and west of a line beginning at the Iowa-Missouri State line and extending along U.S. Highway 69 to junction Missouri Highway 10, thence, along Missouri Highway

10 to junction Missouri Highway 13, thence, along Missouri Highway 13 to junction U.S. Highway 65, thence, along U.S. Highway 65 to the Missouri-Arkansas State line. The purpose of this filing is to eliminate the gateways of points in Minnesota within 50 miles of Sioux Falls, S. Dak.

No. MC 113855 (Sub-No. E408), filed July 6, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal and metal articles* (a) between points in Idaho (except points in and north of Lemhi, Valley and Idaho Counties), on the one hand, and, on the other, points in North Dakota (except points in and west of Renville, Ward, McLean, Oliver, Morton, and Sioux Counties); (b) between points in that part of Idaho in and north of Lemhi, Valley, and Idaho Counties, on the one hand, and, on the other, points in that part of North Dakota in and east of Pembina, Walsh, Nelson, Eddy, Wells, Kidder, Burleigh, and Emmons Counties; (c) between points in that part of Idaho west and south of Cassia, Blaine, Custer, Valley, and Adams Counties, on the one hand, and, on the other points in Burke, Montrail, Renville, Ward, McLean, Mercer, Oliver, Morton, Grant, and Sioux Counties, N. Dak. (points in Montana and South Dakota east of the Missouri River in (a), (b), and (c) above*). The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 113855 (Sub-No. E409), filed July 6, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., S.E., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal and Metal articles*, (a) between points in Oregon and points in Washington (except Pend Oreille, Stevens, Ferry, Spokane, and Lincoln Counties), on the one hand, and, on the other, points in Colorado on, east, and north of a line beginning at the Colorado-Nebraska State line and extending along Colorado Highway 71 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Colorado-Kansas State line. The purpose of this filing is to eliminate the gateways of Utah and South Dakota.

No. MC 113855 (Sub-No. E410), filed July 6, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., S.E., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal and Metal articles* between points in Minnesota on and west of U.S. Highway 71, on the one hand, and, on the other, points in Iowa on, west, and south of a line beginning at the Iowa-Minnesota State line and extending along U.S. Highway 71 to junction U.S. Highway 20, to junction Interstate Highway 35, to junction Interstate Highway 30, to junction U.S. Highway 63, to junction U.S. Highway 34, to the Iowa-Illinois State line. The purpose of this filing is to eliminate the gateway of points in Minnesota within 50 miles of Sioux Falls, S.D.

No. MC 113855 (Sub-No. E450), filed July 19, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd., S.E., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal and Metal articles*, (a)(i) between points in North Dakota, on the one hand, and, on the other, points in New York in and east of Mome Livingston, and Steuben Counties, points in Maryland (except in and west of Frederick County), points in Virginia on and east of U.S. Highway 301, and points in North Carolina in and east of Hartford, Bertie, Martin, Beaufort, and Pamlico Counties: (a)(ii) between points in North Dakota on and west of U.S. Highway 83, on the one hand, and, on the other, points in North Carolina west of Hartford, Bertie, Martin, Beaufort, and Pamlico Counties, and east of U.S. Highway 15, and points in South Carolina on and east of U.S. Highway 52 South Dakota and points in Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line and extending along unnumbered highway (formerly portion U.S. Highway 15) to junction Business U.S. Highway 15, near Fairplay to junction U.S. Highway 15, thence along U.S. Highway 15, thence along U.S. Highway 15 to junction unnumbered highway (formerly portion U.S. Highway 15), through Clear Spring, to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line (except points in Berks, Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa., and points in Pennsylvania, on and east of the above described line Adams, York, Cumberland, Perry, Dauphin, Lebanon, and Lancaster Counties, Pa., and points in Pennsylvania on and east of U.S. Highway 15 and north of the East Branch of the Susquehanna River in Tioga, Bradford, Lycoming, Sullivan, Union, Snyder Northumberland, Montour, and Columbia Counties, Pa.).

(b) Between points in South Dakota, on the one hand and, on the other, points in New York on and east of U.S. Highway 15, points in Maryland (except Garrett County), the District of Columbia, points in North Carolina on and east of a line beginning at the Virginia-North Carolina State line and extending along North Carolina Highway 301, thence along U.S. Highway 301 to the North Carolina-South Carolina State line, and points in Virginia east of Alleghany, Rock-Bedford, and Pittsylvania Counties (points in Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line and extending along unnumbered Highway (formerly portion U.S. Highway 15), to junction Business U.S. Highway 15, near Fairplay to junction U.S. Highway 15, thence along U.S. Highway 15 at junction unnumbered highway (formerly portion U.S. Highway 15), through Clear Spring to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line (except points in Berks, Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa., and points in Pennsylvania on and east of the above described line in Adams, York, Cumberland, Perry, Dauphin, Lebanon, and Lancaster Counties, Pa., and points in Pennsylvania on and east of U.S. Highway 15 and north of the East Branch of the Susquehanna River in Tioga, Bradford, Lycoming, Sullivan, Union, Snyder, Northumberland, Montour, and Columbia Counties, Pa.). The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 116014 (Sub-No. E8), filed June 15, 1975. Applicant: OLIVER TRUCKING COMPANY, INC., P.O. Box 53, Winchester, Ky. 40391. Applicant's representative: Louis J. Amato, P.O. Box E, Bowling Green, Kentucky 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden pallets, skids, bases, boxes, crating, veneer, baskets, staves, nails, metal and metal banding*, from points in Illinois west and south of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 50 to junction Illinois Highway 130, thence along Illinois Highway 130 to junction Illinois Highway 33, thence along Illinois Highway 33 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Illinois Highway 29, thence along Illinois Highway 29 to junction Illinois Highway 88, thence along Illinois Highway 88 to the Illinois-Iowa State line, to points in Virginia south or west of U.S. Highway 60. The purpose of this filing is to eliminate the gateway of Adair County and Bath County, Ky.

No. MC 116014 (Sub-No. E20), filed June 15, 1975. Applicant: OLIVER TRUCKING COMPANY, INC., P.O. Box 53, Winchester, Ky. 40391. Applicant's representative: Louis J. Amato, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in that part of Missouri west and north of a line beginning at the Illinois-Missouri State line, thence Highway 60, thence alone U.S. Highway 60 to the Missouri-Oklahoma State line, to points in that part of Kentucky on and east of a line beginning at the Ohio-Kentucky State line, thence along Interstate Highway 75 to the Kentucky-Tennessee State line. The purpose of this filing is to

eliminate the gateway of points in Powell County, Kentucky and points in Kentucky on and east of U.S. Highway 31–E.

No. MC–116014 (Sub.-No. E22), filed June 15, 1975. Applicant: OLIVER TRUCKING COMPANY, INC., P.O. Box 53, Winchester, Ky. 40391. Applicant's representative: Louis J. Amato, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in that part of Kentucky on and east of a line beginning at the Kentucky-Tennessee State line, thence along U.S. Highway 31–E to its junction with U.S. Highway 42, thence along U.S. Highway 42 to its junction with U.S. Highway 52, thence along U.S. Highway 52 to its junction with U.S. Highway 23, thence along U.S. Highway 23 to its junction with U.S. Highway 460, thence along U.S. Highway 460 to its junction with Kentucky Highway 30 to its junction with Interstate Highway 75, thence along Interstate Highway 75 to the Kentucky, Tennessee State line, to points in that part of North Carolina on and east of a line beginning at the Virginia-North Carolina State line, thence along Interstate Highway 77 to the North Carolina-South Carolina State line. The purpose of this filing is to eliminate the gateway of points in Powell County, Ky., and points in Kentucky on and east of U.S. Highway 31–E.

No. MC–116014 (Sub-No. E24), filed June 15, 1975. Applicant: OLIVER TRUCKING COMPANY, INC., P.O. Box 53, Winchester, Ky. 40391. Applicant's representative: Louis J. Amato, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in that part of Kentucky north and east of a line beginning at the Tennessee-Kentucky State line, thence along Interstate Highway 75 to its junction with Kentucky Highway 30, thence along Kentucky Highway 30 to its junction with U.S. Highway 460, thence along Kentucky Highway 460 to its junction with U.S. Highway 23, thence along U.S. Highway 23 to the Kentucky-West Virginia State line, thence along boundaries of Kentucky-West Virginia, Kentucky-Ohio, Kentucky-Indiana to U.S. Highway 31–E at Louisville, Kentucky, thence along U.S. Highway 31–E to the Kentucky-Tennessee State line to points in that part of South Carolina south and east of a line beginning at the Georgia-South Carolina State line, thence along Interstate Highway 85 to the South Carolina-North Carolina State line. The purpose of this filing is to eliminate the gateway of Pulaski County, Kentucky, and in that part of Kentucky on and East of U.S. Highway 31–E.

No. MC–116014 (Sub-No. E25), filed June 15, 1975. Applicant: OLIVER TRUCKING COMPANY, INC., P.O. Box 53, Winchester, Ky. 40391. Applicant's representative: Louis J. Amato, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in those parts of Michigan and Indiana on and East of a line beginning at the Ohio-Indiana State line, thence along U.S. Highway 35 to its intersection with Indiana Highway 15, thence along Indiana Highway 15 to its intersection with U.S. Highway 30, thence along U.S. Highway 30 to Indiana Highway 19, thence along Indiana Highway 19 to the Indiana-Michigan State line, and points in that part of Ohio on and west of a line beginning at the Kentucky-Ohio State line, thence along U.S. Highway 62 to its intersection with the Ohio State Highway 44, thence along Ohio State Highway 44 to Lake Erie, to points in that part of Tennessee on and west of a line beginning at the Kentucky-Tennessee State line, thence along U.S. Highway 127 to its junction with U.S. Highway 70, thence along U.S. Highway 70 to its junction with U.S. Highway 70S, thence along U.S. Highway 70S to its junction with Tennessee Highway 55, thence along Tennessee Highway 55 to its junction with Interstate Highway 24, thence along Interstate Highway 24 to the Tennessee-Georgia State line. The purpose of this filing is to eliminate the gateways of points in Powell County and Clark County.

No. MC 116014 (Sub-No. E26), filed June 15, 1975. Applicant: OLIVER TRUCKING COMPANY, INC., P.O. Box 53, Winchester, Ky. 40391. Applicant's representative: Louis J. Amato, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Alabama to points in Michigan, Ohio, Pennsylvania, New York, New Jersey, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, Maryland, and points in that part of West Virginia, North and West of the line beginning at the Maryland-West Virginia State line, thence along U.S. Highway 219 to its intersection with Interstate Highway 64, thence along Interstate Highway 64 to its intersection with U.S. Highway 60, thence along U.S. Highway 60 to the West Virginia-Kentucky State line, points in that part of Kentucky north and east of a line beginning at the West Virginia-Kentucky State line, thence along Kentucky Highway 80 to its intersection with U.S. Highway 31–E, thence along U.S. Highway 31–E to its intersection with Interstate Highway 65, thence along Interstate Highway 65 to Kentucky-Indiana State line. The purpose of this filing is to eliminate the gateway of Grand Rapids, Mich.

No. MC–116014 (Sub-No. E28), filed June 15, 1975. Applicant: OLIVER TRUCKING COMPANY, INC., P.O. Box 53, Winchester, Ky. 40391. Applicant's representative: Louis J. Amato, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Pennsylvania to points in Alabama and Tennessee, points in that part of Kentucky on and East of U.S. Highway 31–E and points in that part of Missouri beginning at the Ohio-Missouri State line, thence along Interstate Highway 70 to the Missouri-Kansas State line. The purpose of this filing is to eliminate the gateway of Winchester, Kentucky, points in Kentucky on and East of U.S. Highway 31–E in Clark County, Kentucky, and in Carter County, Kentucky.

No. MC–116014 (Sub-No. E29), filed June 15, 1975. Applicant: OLIVER TRUCKING COMPANY, INC., P.O. Box 53, Winchester, Ky. 40391. Applicant's representative: Louis J. Amato, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in North Carolina to points in Minnesota, Iowa, Missouri, Wisconsin, Illinois, Michigan, Ohio, and points in that part of Ohio east of the line beginning at the Kentucky-Ohio State line, thence along U.S. Hwy. 68 to its intersection with Interstate Hwy. 75, thence along Interstate Hwy. 75 to the Ohio-Michigan State line. The purpose of this filing is to eliminate the gateways of Winchester, Kentucky, points in Clark County, Kentucky, in Barren County, Kentucky, and the plantsite of Bluegrass Cooperage, Louisville, Kentucky.

No. MC 116014 (Sub-No. E30), filed June 15, 1975. Applicant: OLIVER TRUCKING COMPANY, INC., P.O. Box 53, Winchester, Ky. 40391. Applicant's representative: Louis J. Amato, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in that part of Virginia on and east of a line beginnin gat the West Virginia-Virginia State line, thence along U.S. Highway 60 to the intersection of Interstate Highway 64, thence along Interstate Highway 64 to its intersection with U.S. Highway 20, thence along Interstate Highway 220 to the Virginia-North Carolina State line, to points in that part of Kentucky on and East of a line beginning at the Kentucky-Tennessee State line, thence along U.S. Highway 31-E to its junction with U.S. Highway 42, thence along U.S. Highway 42 to its junction with U.S. Highway 52, thence along U.S. Highway 52 to its junction with U.S. Highway 23, thence along U.S. Highway 23 to its junction with U.S. Highway 460, thence along U.S. Highway 460 to its junction with Kentucky Highway 30 to its junction with Interstate Highway 75, thence along Interstate Highway 75 to the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateway of points in Powell County, Ky., in Kentucky on and East of U.S. Highway 31-E, and in Pulaski County, Ky.

No. MC 116014 (Sub-No. E31), filed June 15, 1975. Applicant: OLIVER TRUCKING COMPANY, INC., P.O. Box 53, Winchester, Ky. 40391. Applicant's representative: Louis J. Amato, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in

Illinois, Indiana, and in the Lower Peninsula of Michigan, points in that part of Missouri on and north of a line beginning at the Illinois-Missouri State line, thence along U.S. Highway 60 to its intersection with Interstate Highway 44, thence along Interstate Highway 44 to the Missouri-Kansas State line, and points in that part of Ohio north and west of a line beginning at the Kentucky-Ohio State line, thence along U.S. Highway 62 to its junction with Ohio State Highway 73, thence along Ohio State Highway 73 to its junction with U.S. Highway 68, thence along U.S. Highway 68 to its junction with Interstate Highway 75, thence along Interstate Highway 75 to its Ohio-Michigan State line, to all points in North Carolina. The purpose of this filing is to eliminate the gateways of points in Powell County, Kentucky, points in Kentucky on and east of U.S. Highway 31E and in Clark County, Kentucky.

No. MC 117815 (Sub-No. E50), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE. 20th Street, Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats meat products, meat by-products*, and *articles distributed by meat packinghouses*, as described in Sections A and C to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite of the Rath Packing Company at Columbus Junction, Iowa, to points in that part of Indiana on, north and east of a line commencing at the Illinois-Indiana state line on Indiana Highway 18, thence east over Indiana Highway 18 to the junction of U.S. Highway 41, thence south over U.S. Highway 41 to the junction of Indiana Highway 234, thence east over Indiana Highway 234 to junction of U.S. Highway 231, thence south over U.S. Highway 231 to junction of U.S. Highway 40, and thence east over U.S. Highway 40 to the Indiana-Ohio state line, restricted to the transportation of traffic originating at the plantsite of Rath Packing Company at Columbus Junction, Iowa, and to movements from, to or between wholesale grocery houses, their warehouses and retail outlets. The purpose of this filing is to eliminate the gateway of Chicago, Illinois.

No. MC 117815 (Sub-No. E51), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE. 20th Street, Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Meats, meat products*, and *meat by-products*, and *articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, (except hides and commodities in bulk, in tank vehicles), from the plantsite and storage facilities utilized by Wilson & Company, Inc., at or near Cherokee, Iowa, to points in Indiana north of U.S. Highway 40, restricted to the transportation of traffic originating at the plantsite and storage facilities utilized by Wilson & Company, Inc., at or near Cherokee, Iowa, and to movements, from, to or between wholesale grocery houses, their warehouses and retail outlets. The purpose of this filing is to eliminate the gateway of Chicago, Illinois.

No. MC 117815 (Sub-No. E52), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE. 20th Street, Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Darien, Wisconsin, to points in Indiana north of U.S. Highway 40, restricted to movements from, to, or between wholesale grocery houses, their warehouses and retail outlets. The purpose of this filing is to eliminate the gateway of Chicago, Illinois.

No. MC 117815 (Sub-No. E53), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE. 20th Street, Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods* and *canned pet food*, from Grimes, Iowa, to points in Indiana north of U.S. Highway 40, restricted to movements from, to or between wholesale grocery houses, their warehouses and retail outlets. The purpose of this filing is to eliminate the gateway of Chicago, Illinois.

No. MC 117815 (Sub-No. E54), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE. 20th Street, Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Lawrence, Kansas, to points in that part of Indiana on and north of a line commencing at the Illinois-Indiana state line on Indiana Highway 114 west of Morocco, Indiana, thence east over Indiana Highway 114 to junction of U.S. Highway 421, thence south over U.S. Highway 421 to Reynolds, Indiana, thence over Indiana Highway 16 to Royal Center, Indiana, thence south over U.S. Highway 35 to Dunkirk, Indiana, thence east over U.S. Highway 24 to junction of Indiana Highway 124, thence east over Indiana Highway 124 to junction of Indiana Highway 15, to Marion, Indiana, thence east over Indiana Highway 18 to Brant, Indiana, and thence east over Indiana Highway 67 to the Indiana-Ohio state line, restricted to movements from, to or between wholesale grocery houses, their warehouses and retail outlets. The purpose of this filing is to eliminate the gateways of Des Moines, Iowa and Chicago, Illinois.

No. MC 117815 (Sub-No. E55), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE. 20th Street, Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats*, from the storage facilities utilized by Armour and Company at or near Worthington and Mankato, Minnesota, to points in Indiana north of U.S. Highway 40, restricted to the transportation of traffic originating at the plantsite of Armour and Company at or near Worthington and Mankato, Minnesota, and to movements from, to or between wholesale grocery houses, their warehouses and retail outlets. The purpose of this filing is to eliminate the gateway of Chicago, Illinois.

No. MC 117815 (Sub-No. E56), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE. 20th Street, Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, dairy products*, and *articles distributed by meat packinghouses*, as described in Sections A, B and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and liquid commodities in bulk, in tank vehicles), from the plantsite of Armour and Company, near Worthington, Minnesota, to points in Indiana north of U.S. Highway 40, restricted to shipments originating at the plantsite of Armour and Company, near Worthington, Minnesota, and to movements from, to or between wholesale grocery houses, their warehouses and retail outlets. The purpose of this filing is to eliminate the gateway of Chicago, Illinois.

No. MC 117815 (Sub-No. E57), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE. 20th Street, Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products*, and *articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides), from Mason City, Iowa, to Chicago, Illinois, restricted to traffic originating at Mason City, Iowa and to movements from, to or between wholesale grocery houses, their warehouses and retail outlets. The purpose of this filing is to eliminate the gateway of Aurora, Illinois.

No. MC 117815 (Sub-No. E58), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE. 20th Street, Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Canned goods*, from Rochester, Minnesota, to points in Illinois within the territory bounded by a line beginning at Galena, Illinois, and extending in a southeasterly direction to Savanna, Illinois, thence south to Galesburg, Illinois, thence in a southeasterly direction to Peoria, Illinois, thence east to Onargo, Illinois, thence in a northwesterly direction to the Illinois-Indiana border, thence north along the Illinois-Indiana border to the shore of Lake Michigan, thence north along the shore of Lake Michigan to Winthrop Harbor, Illinois, thence west through South Beloit and Warren, Illinois, to Galena, Illinois, including the points named, restricted to movements from, to or between wholesale grocery houses, their warehouses and retail outlets; and (b) *canned goods*, from Rochester, Minnesota, to points in Indiana north of U.S. Highway 40, restricted to movements from, to or between wholesale grocery houses, their warehouses and retail outlets. The purpose of his filing is to eliminate the gateways of Clinton, Iowa and Chicago, Illinois.

No. MC 117815 (Sub-No. E59), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE. 20th Street, Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale grocery houses*, when moving to or from such business houses or other facilities thereof, from Des Moines, Iowa, to points in Indiana north of U.S. Highway 40. The purpose of this filing is to eliminate the gateway of Chicago, Illinois.

No. MC 117815 (Sub-No. E60), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE. 20th Street, Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Condiments, and canned goods*, from Des Moines, Iowa, to Chicago, Illinois, and points in Indiana north of U.S. Highway 40, restricted to movements from, to or between wholesale grocery houses, their warehouses and retail outlets. The purpose of this filing is to eliminate the gateways of Aurora, Illinois and Gary, Indiana.

No. MC 117815 (Sub-No. E61), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE. 20th Street, Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from Atlantic, Cedar Rapids, Clinton, Dubuque, Grinnell, Guthrie Center, Hampton, Iowa Falls, Marengo, Mason City, Oelwein, Reinbeck, and Waterloo, Iowa, to points in Indiana north of U.S. Highway 40, restricted to movements from, to or between wholesale grocery houses, their warehouses and retail outlets. The purpose of this filing is to eliminate the gateway of Chicago, Illinois.

No. MC 117815 (Sub-No. E62), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE. 20th Street, Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Poultry*, from Atlantic, Des Moines, Grinnell, Guthrie Center, and Marengo, Iowa, to points in that part of Indiana north of U.S. Highway 40, restricted to movements from, to or between wholesale grocery houses, their warehouses and retail outlets. The purpose of this filing is to eliminate the gateway of Chicago, Illinois.

No. MC 117815 (Sub-No. E63), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE. 20th Street, Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale grocery houses* when moving to or from such business houses or other facilities thereof, from Des Moines, Iowa, to points in that part of Indiana on, north and east of a line commencing at the Illinois-Indiana state line on U.S. Highway 24, thence east over U.S. Highway 24 to Wolcott, Indiana, thence south over U.S. Highway 231 to junction U.S. Highway 40, and thence east over U.S. Highway 40 to the Indiana-Ohio state line. The purpose of this filing is to eliminate the gateways of Pecatonica and Chicago, Illinois.

No. MC 117815 (Sub-No. E64), filed May 24, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE. 20th Street, Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Des Moines, Fort Dodge, and Webster City, Iowa, to Chicago, Illinois, and points in that part of Indiana north of U.S. Highway 40, restricted to movements from, to or between wholesale grocery houses, their warehouses and retail outlets. The purpose of this filing is to eliminate the gateways of Aurora and Chicago, Illinois.

No. MC 123685 (Sub-No. E25), filed May 15, 1974. Applicant: PEOPLES CARTAGE, INC., 8045 Navarre Road SW., Massillon, Ohio 44646. Applicant's representative: James W. Muldoon (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer ingredients, and pesticides*, in bulk, in dump vehicles, (1) between points in Ohio on, east, north, and south of a line beginning at the Ohio-Pennsylvania State line and extending along Interstate Highway 80 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Ohio-West Virginia State line, on the one hand, and, on the other, points in Ohio on, west, and north of a line beginning at Sandusky, Ohio and extending along Ohio Highway 4 to junction U.S. Highway 30S, thence along U.S. Highway 30S to junction U.S. Highway 30, thence along U.S. Highway 30 to the Ohio-Indiana State line and (2) between points in Ohio on, south, east, and north of a line beginning at the Ohio-Pennsylvania State line and extending along Ohio Highway 14 to junction Ohio Highway 173, thence along Ohio Highway 173 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Ohio-West Virginia State line, on the one hand, and, on the other, points in Ohio on, west, and north of a line beginning at Sandusky, Ohio and extending along U.S. Highway 250 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 30N, thence along U.S. Highway 30N to junction U.S. Highway 30, thence along U.S. Highway 30 to the Ohio-Indiana State line. The purpose of this filing is to eliminate the gateway of Orrville, Ohio.

By the Commission.

H. G. Homme, Jr.,
Acting Secretary.

[FR Doc.77-11607 Filed 4-20-77;8:45 am]

[Volume No. 13]

PETITIONS, APPLICATIONS, FINANCE MATTERS (INCLUDING TEMPORARY AUTHORITIES), RAILROAD ABANDONMENTS, ALTERNATE ROUTE DEVIATIONS, AND INTRASTATE APPLICATIONS

PETITIONS FOR MODIFICATION, INTERPRETATION OR REINSTATEMENT OF OPERATING RIGHTS AUTHORITY

APRIL 15, 1977.

The following petitions seek modification or interpretation of existing operating rights authority, or reinstatement of terminated operating rights authority.

An original and one copy of protests to the granting of the requested authority must be filed with the Commission on or before May 23, 1977. Such protest shall comply with Special Rule 247(d) of the Commission's General Rules of Practice

(49 CFR 1100.247)[1] and shall include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon petitioner's representative, or petitioner if no representative is named.

No. MC 2392 (Sub-No. 55) (Notice of filing of petition to extend expiration date of certificate), filed March 9, 1977. Petitioner: WHEELER TRANSPORT SERVICE, INC., 7722 F St., P.O. Box 14248, West Omaha Station, Omaha, Nebr. 68114. Petitioner's representative: Leonard A. Jaskiewicz, 1730 M Street, N.W., Washington, D.C. 20036. Petitioner holds a motor *common carrier* Certificate in No. MC 2392 (Sub-No. 55), issued August 21, 1967 with a five year expiration date, and reissued November 21, 1972 with an expiration date of August 21, 1977. Said Certificate authorizes transportation over irregular routes of *liquefied petroleum gas*, in bulk, from the terminal of the Mid-American Pipeline Company at or near Whiting, Iowa, to points in Nebraska. By the instant petition, petitioner seeks to extend the authority above for five additional years.

No. MC 133146 (Sub-No. 2) (Notice of filing of petition to modify a permit), filed March 23, 1977. Petitioner: INTERNATIONAL TRANSPORTATION SERVICE, INC., 3300 Northeast Expressway, Suite 1-M, Atlanta, Ga. 30341. Petitioner's representative: Robert E. Born, 1447 Peachtree Street, N.E., Atlanta, Ga. 30309. Petitioner holds a motor *contract carrier* Permit in No. MC 133146 (Sub-No. 2), issued April 8, 1971, authorizing transportation, over irregular routes, of *Inedible waste foodstuffs* (except waste meats), and *inedible meal*, between points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, under a continuing contract, or contracts, with International Bakerage, Division of International Consolidated, Inc. By the instant petition, petitioner seeks to change the contracting shipper's name so as to read: International Bakerage, Inc. and its subsidiary International Bakerage of Kansas, Inc.

No. MC 134460 (Sub-No. 8) (Notice of filing a petition to modify a certificate), filed March 11, 1977. Petitioner: MARKET EXPRESS, INC., 3342 North Weber St., Fresno, Calif. 93705. Petitioner's representative: Marvin Handler, 100 Pine Street, Suite 2550, San Francisco, Calif. 94111. Petitioner holds a motor *common carrier* Certificate in No. MC 134460 (Sub-No. 8), issued March 9, 1977, which expires December 4, 1977, authorizing transportation, over irregular routes, of *Food and foodstuffs*, in vehicles equipped with mechanical refrigeration, from points in San Francisco, San Mateo, Alameda, Santa Clara, Santa Cruz, Monterey, Stanislaus, and San Joaquin Counties, Calif., to points in Maricopa, Pima and Pinal Counties, Ariz. By the instant petition, petitioner seeks to add Las Vegas, Nev., as an additional destination point in the above authority.

No. MC 139868 (Sub-No. 2) (Notice of filing of petition to broaden commodity description), filed April 1, 1977. Petitioner: WESTERN SALES TRANSPORTATION, INC., 1801 North 11th Street, Omaha, Nebr. 68110. Petitioner's representative: Gerald Heinen (same address as applicant). Petitioner holds a motor *contract carrier* Permit in No. MC 139868 (Sub-No. 2), issued July 21, 1976, authorizing transportation over irregular routes, of (1) *Steel, tin, plastic and fiber containers*, from Omaha, Nebr., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Minnesota, Missouri and Wyoming; and (2) *steel, tin, plastic and fiber containers, and materials, equipment and supplies* utilized in the manufacture and distribution of the commodities named in (1) above, from points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Minnesota, Missouri and Wyoming, to Omaha, Nebr., restricted against the transportation of commodities in bulk, under a continuing contract, or contracts, with Western Sales and Service, Inc., and Cleveland Container Corp. By the instant petition, petitioner seeks to add *"scrap metal"* as additional commodity to part (1) of the above Permit.

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

The following applications are governed by Special Rule 247 of the Commission's *General Rules of Practice* (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure to seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practive which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if not representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 1931 (Sub-No. 17), filed February 23, 1977. Applicant: VON DER AHE VAN LINES, INC., 600 Rudder Avenue, Fenton, Mo. 63026. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty household goods shipping containers*, between points in the United States, including Alaska and Hawaii.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo. Applicant requests a consolidated hearing with Global Van Lines, Inc.

No. MC 3581 (Sub-No. 21), filed March 9, 1977. Applicant: THE MOTOR CONVOY, INC., 275 Convoy Drive, S.W., Atlanta, Ga. 30354. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks, chassis and tractors*, in initial and secondary movements, in truckaway service, from the plantsite of Ford Motor Company located at Norfolk, Va., to points in Alabama, Delaware, Florida, Georgia, Kentucky, Maryland, Michigan, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Norfolk, Va.

No. MC 4405 (Sub-No. 550), filed February 24, 1977. Applicant: DEALERS

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

TRANSIT, INC., a corporation, 522 South Boston Avenue, Enterprise Bldg., Tulsa, Okla. 74103. Applicant's representative: Michael E. Miller, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in interstate or foreign commerce, transporting: (1) *Waste water treatment equipment and parts* between the plant-site and storage facilities of Autotrol Corporation located at or near Oak Creek, Wis., on the one hand, and, on the other, points in the United States (excluding Alaska and Hawaii), and (2) *materials, equipment and supplies* used in the manufacture of the commodities described in (1) above from points in the United States (excluding Alaska and Hawaii) to the plant site and storage facilities of Autotrol Corporation located at or near Oak Creek, Wis.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Milwaukee, Wis., or Chicago, Ill.

No. MC 4405 (Sub-No. 551) filed February 24, 1977. Applicant: DEALERS TRANSIT, INC., 522 South Boston Avenue, Enterprise Bldg., Tulsa, Okla. 74103. Applicant's representative: Michael E. Miller, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in interstate or foreign commerce, transporting: (1) *Metal and metal articles*, from Oklahoma City, Okla., to points in Arizona, California, Colorado, Kansas, Michigan, Missouri, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, Texas and Washington; and (2) *metal and metal articles* from Houston, Tex., to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Indiana, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Nebraska, Nevada, New Mexico, North Carolina, Ohio, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Virginia, Washington, and West Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex., or Oklahoma City, Okla.

No. MC 11207 (Sub-No. 385), filed February 23, 1977. Applicant: DEATON, INC., 317 Avenue W., P.O. Box 938, Birmingham, Ala. 35201. Applicant's representative: Kim D. Mann, 7101 Wisconsin Avenue, Suite 1010, Washington, D.C. 20014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Titanium dioxide*, (except in bulk), from Hamilton, Miss., to points in Alabama, Florida, Georgia and Louisiana.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Oklahoma City, Okla., or Memphis, Tenn.

No. MC 13250 (Sub-No. 136), filed March 24, 1977. Applicant: J. H. ROSE TRUCK LINE, INC., 2800 North Loop West, P.O. Box 16190, Houston, Tex. 77022. Applicant's representative: James M. Doherty, 500 West Sixteenth Street, P.O. Box 1945, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials* and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and machinery, materials, equipment and supplies used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, (2) *earth drilling machinery* and *equipment*, and *machinery, equipment, materials, supplies* and *pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operations, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, between points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Virginia, on the one hand, and, on the other, points in the United States, including Alaska but excluding Hawaii; between points in Florida, on the one hand, and, on the other, points in the United States (except points in Alaska, Alabama, Arizona, California, Colorado, Florida, Georgia, Hawaii, Idaho, Kansas, Montana, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington and Wyoming); between points in Georgia, on the one hand, and, on the other, points in the United States (except points in Alaska, Alabama, Arizona, California, Colorado, Florida, Georgia, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Texas, Utah, Washington and Wyoming);

(3) *Machinery, equipment, materials* and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *Machinery, materials, equipment* and *supplies* used in, or in connection with the construction, operations, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, (4) *earth drilling machinery* and *equipment*, and *machinery, equipment, materials supplies* and *pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, between points in North Carolina and South Carolina, on the one hand, and, on the other, points in the United States, including Alaska but excluding Hawaii, restricted in (3) and (4) above against the transportation of commodities (except boats and Classes A and B explosives) which because of their size or weight require the use of special equipment, and self-propelled articles (except boats) each weighing 15,000 pounds or more when moving to or from points in Arizona, California, Colorado, Idaho, Nevada, New Mexico, Oregon, Texas, Utah, and Washington.

NOTE.—Hearing set for consolidated record with similar applications May 9, 1977, at Houston, Tex.

No. MC 14743 (Sub-No. 28), filed February 18, 1977. Applicant: E. L. POWELL & SONS TRUCKING CO., INC., 3777 South Jackson, P.O. Box 356, Tulsa, Okla. 74101. Applicant's representative: Rufus H. Lawson, 106 Bixler Building, 2400 Northwest 23rd Street, Oklahoma City, Okla. 73107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; and *machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking-up thereof; and (2) *earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, between points in Kansas, Louisiana, New Mexico, Oklahoma and Texas, on the one hand, and, on the other, points in Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Oklahoma City or Tulsa, Okla.

No. MC 16503 (Sub-No. 8), filed March 3, 1977. Applicant: JOHN L. GUEX, P.O. Box 359, Shawano, Wis. 54116. Applicant's representative: William C. Dineen, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail and chain grocery and food business houses, and, in connection therewith, *equipment*,

materials and supplies used in the conduct of such business, from points in Florida, to Monominee, Mich., under a continuing contract, or contracts, with Carpenter-Cook Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Milwaukee, Wis.

No. MC 38921 (Sub-No. 9), filed March 2, 1977. Applicant: Wm. H.P., INC., 1342 North Howard Street, Philadelphia, Pa. 19122. Applicant's representative: A. David Millner, P.O. Box 1409, 167 Fairfield Road, Fairfield, N.J. 07006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from the plantsite of Anchor Hocking Corporation, located at Salem, N.J., to the plantsite of C. Schmidt & Sons, Brewery, located at Philadelphia, Pa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Philadelphia, Pa., or Washington, D.C.

No. MC 41240 (Sub-No. 17), filed March 9, 1977. Applicant: NELSON TRUCKING SERVICE, INC., Box 161, Mediapolis, Iowa 52637. Applicant's representative: Kenneth F. Dudley, 611 Church St., P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Schaumburg, Ill., to points in Iowa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 47583 (Sub-No. 45), filed February 28, 1977. Applicant: TOLLIE FREIGHTWAYS, INC., 1020 Sunshine Road, Kansas City, Kans. 66115. Applicant's representative: D. S. Hults, P.O. Box 225, Lawrence, Kans. 66004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products;* (2) *Plastic sheets, dispensers and accessories and premiums and advertising materials* when shipped in combination with (1) above; (3) *Equipment, materials and supplies* used in the manufacture and distribution of the commodities described in (1) and (2) above (except commodities in bulk, commodities requiring tank or hopper type vehicles, and commodities which due to their size and weight require special equipment), between the plant site, storage facilities, and shipping facilities of Fort Howard Paper Company, located at or near Muskogee, Okla., on the one hand, and, on the other, points in Arizona, Arkansas, California, Colorado, Idaho, Kansas, Louisiana, Missouri, Montana, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington, and Wyoming, restricted to traffic originating at or destined to the plant site, storage facilities, and shipping facilities of Fort Howard Paper Company located at or near Muskogee, Oklahoma, on the one hand, and on the other, traffic destined to or originating in the above-named states.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 49368 (Sub-No. 102), filed March 4, 1977. Applicant: COMPLETE AUTO TRANSIT, INC., 18544 West Eight Mile Road, Southfield, Mich. 48075. Applicant's representative: Walter N. Bieneman, 100 West Long Lake Road, Suite 102, Bloomfield Hills, Mich. 48013. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, in initial movements, in truckaway service, from the plantsite of General Motors Corporation, located at Tarytown, N.Y., and at or near Wilmington, Del., to points in Indiana, Michigan and Ohio, under a continuing contract, or contracts, with General Motors Corporation.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 50307 (Sub-No. 89), filed March 2, 1977. Applicant: INTERSTATE DRESS CARRIERS, INC., 247 West 35th Street, New York, N.Y. 1001. Applicant's representative: A. David Millner, P.O. Box 1409, 167 Fairfield Road, Fairfield, N.J. 07006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel* and *materials, supplies and equipment* used in the manufacture of wearing apparel (except commodities in bulk), (1) between points in Bergen, Essex, Hudson, Middlesex, Morris, Passaic and Union Counties, N.J., and points in Pennsylvania, on the one hand, and, on the other, points in Albany, Columbia, Dutchess, Greene, Orange, Putnam, Rockland, Ulster and Westchester Counties, N.Y.; and (2) between Oneonta, Hudson Falls, Little Falls, St. Johnsville, Amsterdam, Cobleskill, Glens Falls, Frankfort, Johnstown, Herkimer, Hoosick Falls, Salem, Fort Edward, Utica, Cooperstown, Rome, Ballston Spa, Whitehall, Mechanicsville, Richfield Springs, Oswego, Granville, Greenwich, Syracuse and Watertown, N.Y., points in Schenectady, Franklin and Rensselaer Counties, N.Y., Pittsfield, Mass., and points in Addison, Caledonia, Chittenden, Franklin, Lamoille, Rutland and Washington Counties, Vt., on the one hand, and, on the other, points in Pennsylvania, restricted against the transportation of traffic moving to retail or department stores at points in Massachusetts.

NOTE.—Applicant states that it can presently serve all of the points encompassed by this application by tacking in (1) above, its authority in No. MC 50307 (Sub-Nos. 54 and 55), and by tacking in (2) above its authority in No. MC 50307 (Sub-Nos. 54 and 73) and further states that it can already provide a direct service to points in Pennsylvania on and east of U.S. Highway 11 in MC 50307 (Sub-No. 73). The purpose of this filing is to eliminate the gateway of points in the New York, N.Y., Commercial Zone. If a hearing is deemed necessary, the applicant requests that it be held at New York, N.Y.

No. MC 52793 (Sub-No. 22), filed March 4, 1977. Applicant: BEKINS VAN LINES CO., a corporation, 333 South Center St., Hillside, Ill. 60162. Applicant's representative: Russell S. Bernhard, 1625 K St., N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty household goods containers*, set up or knocked down, between points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either Los Angeles, Calif., or Chicago, Ill.

No. MC 52921 (Sub-No. 29) filed February 28, 1977. Applicant: RED BALL INC., P.O. Box 520, Sapulpa, Okla. 74066. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 N.W. 58th St., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products;* (2) *plastic sheets, dispensers and accessories, and premiums and advertising materials*, when shipped in combination with (1) above; and (3) *equipment, materials and supplies*, used in the manufacture and distribution of the commodities described in (1) and (2) above (except commodities in bulk, commodities requiring tank or hopper type vehicles, and commodities which due to their size and weight require special equipment), between the plantsite, storage facilities, and shipping facilities of Fort Howard Paper Company, located at or near Muskogee, Okla., on the one hand, and, on the other, points in Arkansas, Colorado, Kansas, Louisiana, Missouri, Nebraska, New Mexico, Oklahoma and Texas, restricted to traffic originating at or destined to the plantsite, storage facilities, and shipping facilities of Fort Howard Paper Company, located at or near Muskogee, Okla.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 63792 (Sub-No. 27), filed March 17, 1977. Applicant: TOM HICKS TRANSFER COMPANY, INCORPORATED, 710 North Post Oak, Suite No. 525, Houston, Tex. 77024. Applicant's representative: C. W. Ferebee (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (I) *Machinery, equipment, materials, and supplies* used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products and *machinery, materials, equipment and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking-up of pipe in connection with main pipelines; (II) *earth drilling machinery and equipment, machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installa-

tion, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment; (b) the completion of holes or wells drilled; (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, (1) between Alabama, Arkansas, Colorado, Florida, Georgia, Kansas, Louisiana, Mississippi, New Mexico, Oklahoma, Texas, Utah, and Wyoming, on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina and Virginia; and (2) Between points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina and Virginia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Houston or Dallas, Tex.

No. MC 68100 (Sub-No. 18), filed March 21, 1977. Applicant: D. P. BONHAM TRANSFER, INC., 318 South Adeline, P.O. Drawer G, Bartlesville, Okla. 74003. Applicant's representative: Larry E. Gregg, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials and supplies* used in, or in connection with the discovery, development, productions, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products, between points in Arkansas, Kansas, Missouri, New Mexico, Oklahoma and Texas, on the one hand, and, on the other, points in Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Rhode Island, South Carolina and Virginia.

NOTE.—Hearing: Commencing May 9, 1977, at Houston, Tex.

No. MC 69833 (Sub-No. 119), filed March 3, 1977. Applicant: ASSOCIATED TRUCK LINES, INC., Vandenberg Center, 200 Monroe Ave. NW., Grand Rapids, Mich. 49503. Applicant's representative: Harry Pohlad (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic products*, from the plantsite and facilities of Amoco Plastic Products Corp., located at Seymour, Ind., to points in Michigan, Ohio, and Milwaukee, Wis.; and (2) *damaged or defective shipments* on return.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Indianapolis, Ind., Chicago, Ill., or Washington, D.C.

No. MC 82492 (Sub-No. 144), filed March 9, 1977. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., P.O. Box 2853, 2109 Olmstead Road, Kalamazoo, Mich. 49003. Applicant's representative: William C. Harris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products* (except commodities in bulk), from Manistee, Mich., to points in Iowa, Missouri and Wisconsin, and those points in Illinois located on and south of Interstate Highway 74.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Washington, D.C.

No. MC 85934 (Sub-No. 72), filed March 2, 1977. Applicant: MICHIGAN TRANSPORTATION COMPANY, a Corporation, 3601, Wyoming Avenue, Dearborn, Mich. 48121. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement* in bulk, from Waverly, Ohio, to points in West Virginia and Kentucky.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held on a consolidated record with a similar application at either Washington, D.C., or Chicago, Ill.

No. MC 95540 (Sub-No. 975), filed March 3, 1977. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, P.O. Box 1636, Lakeland, Fla. 33802. Applicant's representative: Benjy W. Fincher (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, other than frozen (except in bulk, in tank vehicles), (1) from the plantsite and warehouse facilities of Kikkoman Foods, Inc., located at or near Walworth, Wis., to points in Texas and Louisiana; and (2) from the plantsite and warehouse facilities of Aunt Nellie's Foods, Inc., located at or near Clyman, Wis., to points in Texas and Louisiana, restricted, in (1) and (2) above, to traffic originating at the named origins and destined to the named destinations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Milwaukee or Madison, Wis., or Washington, D.C.

No. MC 95920 (Sub-No. 45), filed February 28, 1977. Applicant: SANTRY TRUCKING COMPANY, a Corporation, 11552 S.W. Pacific Highway, Portland, Oreg. 97223. Applicant's representative: George R. LaBissoniere, 1100 Norton Bldg., Seattle, Wash. 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Diatomaceous earth*, from Clark and Coledo, Nev., to ports of entry on the International Boundary line between the United States and Canada located at or near Blaine, Wash., under a continuing contract, or contracts, with Van Waters & Rogers, Ltd.

NOTE.—Applicant states the purpose of this application is to convert existing common carrier authority to contract carrier authority. Applicant holds common carrier authority in No. MC 123265 and (Sub-No. 2), therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Portland, Oreg.

No. MC 103051 (Sub-No. 389), filed March 10, 1977. Applicant: FLEET TRANSPORT COMPANY, INC., 934—44th Avenue, North, Nashville, Tenn. 37209. Applicant's representative: Russell E. Stone, P.O. Box 90408, Nashville, Tenn. 37209. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oil*, in bulk, in tank vehicles, from Charlotte, N.C., to points in New York, Pennsylvania, Maryland, and Missouri.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Atlanta, Ga., or Nashville, Tenn.

No. MC 103066 (Sub-No. 54), filed March 4, 1977. Applicant: STONE TRUCKING COMPANY, a Corporation, P.O. Box 2014, Tulsa, Okla. 74101. Applicant's representative: Eugen D. Anderson, 910 Seventeenth Street NW., Suite 428, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal shoring adjustable jacks, builder horses, scaffolding* and *trestles*, knocked down and flat folded, and *metal pallet forms and systems*, (A) from Cleveland, Ohio and Chicago, Ill., to points in the United States (except Alaska and Hawaii); and (B) from points in the United States (except Alaska and Hawaii), to Addison and Schiller Park, Ill., Beltsville, Md., Dallas, Tex., Long Beach and San Leandro, Calif., Minneapolis, Minn., Phoenix, Ariz., Seattle, Wash., Woburn, Mass., and Cheshire, Conn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 104589 (Sub-No. 33), filed February 24, 1977. Applicant: SOUTHERN FREIGHTWAYS, INC., Post Office Box 374, Eustis, Fla. 32726. Applicant's representative: David C. Venable, 666 Eleventh Street NW., Suite 805, Washington, D.C. 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Cade, Lozes and New Iberia, La., to points in Illinois, Indiana, Kentucky, Michigan, Ohio and Wisconsin, under a continuing contract or contracts with Bruce Foods Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New Orleans, La.

No. MC 107515 (Sub-No. 1062), filed March 3, 1977. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Richard M. Tettelbaum, 3379 Peachtree Road NE., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food and foodstuffs* in vehicles equipped with mechanical refrigeration, (except commodities in bulk, in tank vehicles), from the plantsite and warehouse facilities of Kraft, Inc., located at Champaign, Ill., to points in Connecti-

cut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Virginia and the District of Columbia, restricted to traffic originating at the named origin and destined to the named destination points.

NOTE.—Dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Atlanta, Ga.

No. MC 107515 (Sub-No. 1063), filed March 3, 1977. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Richard M. Tettelbaum, 3379 Peachtree Road NE., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the Report of the Commission in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in vehicles equipped with mechanical refrigeration, from the plantsite and warehouse facilities utilized by Monfort Packing Co., a subsidiary of Monfort of Colorado, located at or near Greeley, Colo., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina and Tennessee.

NOTE.—Dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Denver, Colo., or Atlanta, Ga.

No. MC 107527 (Sub-No. 57), filed March 2, 1977. Applicant: POST TRANSPORTATION COMPANY, a corporation, 1970 East 213th Street, Carson, Calif. 90745. Applicant's representative: R. Sherman Kirksey (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chlorine bleach*, from Henderson, Nev., to points in Maricopa, Pima, Gila, Pinal and Yuma Counties, Ariz., under a continuing contract, or contracts with Jones Chemicals, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Las Vegas, Nev.

No. MC 107818 (Sub-No. 86), filed February 25, 1977. Applicant: GREENSTEIN TRUCKING COMPANY, a corporation, 280 N.W. 12th Avenue, P.O. Box 608, Pompano Beach, Fla. 33061. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 33307. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsites and facilities utilized by Wiscold, Inc., located at Milwaukee and Beaver Dam, Wis., to points in Alabama, Florida, Georgia, Kentucky, North Carolina, South Carolina, and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Milwaukee, Wis.

No. MC 108053 (Sub-No. 135), filed February 28, 1977. Applicant: LITTLE AUDREY'S TRANSPORTATION COMPANY, INC., P.O. Box 129, Fremont, Nebr. 68025. Applicant's representative: Arnold L. Burke, 180 North La Salle Street, Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from Rock Island, Ill., to points in Arizona, California, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming, restricted to service from Rock Island, Ill., for the purpose of interchange of traffic only.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 109028 (Sub-No. 14), filed March 9, 1977. Applicant: S. & W. TRANSFER, INC., 1050 East Bay Street, Milwaukee, Wis. 53207. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Blvd., P.O. Box 1267, Arlington, Va. 22210. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum products and lubricating oils*, in containers, from the plantsite and warehouse facilities of Mobil Oil Corporation, located at or near Cicero, Ill., to points in the Upper Peninsula of Michigan; and (2) *empty containers*, for petroleum products and lubricating oils, from points in the Upper Peninsula of Michigan, to Chicago, Ill., restricted to the transportation of shipments under a continuing contract or contracts, with Mobil Oil Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Dallas, Tex.

No. MC 109397 (Sub-No. 357), filed March 8, 1977. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, P.O. Box 113 (Bus. Rte I–44 east), Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heating equipment, stoves, fireplaces, furnaces and incinerators*, from points in Colbert, Lauderdale, Limestone and Madison Counties, Ala., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Birmingham, Ala., or Atlanta, Ga.

No. MC 109593 (Sub-No. 4), filed February 28, 1977. Applicant: H. R. HILL, Box 875, 2007 West Shawnee, Muskogee, Okla. 74401. Applicant's representative: Max G. Morgan, 223 Ciudad Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products*; (2) *plastic sheets, dispensers and accessories, and premiums and advertising materials*, when shipped in combination with (1) above; and (3) *equipment, materials and supplies*, used in the manufacture and distribution of the commodities described in (1) and (2) above (except commodities in bulk, commodities requiring tank or hopper type vehicles, and commodities which due to their size and weight require special equipment), between the plantsite, storage facilities, and shipping facilities of Fort Howard Paper Company, located at or near Muskogee, Okla., on the one hand, and, on the other, points in Arkansas, Colorado, Kansas, Louisiana, Missouri, Nebraska, New Mexico, Oklahoma, Texas, and Wisconsin, under a continuing contract or contracts, with Fort Howard Paper Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111231 (Sub-No. 209), filed March 4, 1977. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. 72764. Applicant's representative: James B. Blair, 111 Holcomb Street, P.O. Box 869, Springdale, Ark. 72764. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household good as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of Eagle Picher Industries, Inc., located at or near Quapaw, Okla., as an off-route point in connection with carrier's presently authorized regular-route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Kansas City, Mo., Tulsa or Oklahoma City, Okla.

No. MC 112184 (Sub-No. 51) (Correction), filed January 24, 1977, published in the FEDERAL REGISTER issue of March 10, 1977, and republished as corrected this issue. Applicant: THE MANFREDI MOTOR TRANSIT COMPANY, a corporation, 11250 Kinsman Road, Newbury, Ohio 44065. Applicant's representative: John P. McMahn, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Oil and gasoline additives*, in bulk, between East Liverpool, Ohio on the one hand, and, on the other, ports of entry on the International Boundary line between the United States and Canada which lie between Buffalo and Youngstown, N.Y. including Buffalo and Youngstown, N.Y., for furtherance to the Providence of Ontario, Canada, under a continuing contract, or contracts, with Lubrizol Corporation.

NOTE.—The purpose of this republication is to correct applicant's requested authority. Applicant has common carrier authority in MC 128302 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Columbus, Ohio or Washington, D.C.

No. MC 113434 (Sub-No. 72), filed February 24, 1977. Applicant: GRABELL TRUCK LINE, INC., 679 Lincoln Avenue, Holland, Mich. 49423. Appli-

cant's representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic products*, from Seymour, Ind., to points in Illinois, Indiana, Michigan, Ohio, Pennsylvania and Wisconsin; and (2) *packaging materials* used in shipping and distribution of plastic products from points in Illinois, Iowa, Michigan, Ohio, Pennsylvania and Wisconsin, to Seymour, Ind.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Chicago, Ill., or Washington, D.C.

No. MC 113651 (Sub-No. 213), filed March 9, 1977. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. 47303. Applicant's representative: George E. Batty (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food and foodstuffs*, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles), from the plant and warehouse facilities of Kraft, Inc. located at Champaign, Ill., to points in Connecticut, Delaware, Maine, Massachusetts, Maryland, New Jersey, New Hampshire, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia, restricted to traffic originating at the above named origin and destined to the above named destination points.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 113678 (Sub-No. 658), filed March 4, 1977. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rubber compounds, tire treads* and *tread stock*, in mechanically refrigerated vehicles, from Oxford, N.C., to Chino and Mira Loma, Calif.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Omaha, Nebr., or Des Moines, Iowa.

No. MC 113678 (Sub-No. 659), filed March 8, 1977. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beverages*, from points in California, to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at San Francisco, Calif.

No. MC 113678 (Sub-No. 662), filed March 3, 1977. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpet and rugs*, machine tufted, *carpet samples and related advertising and display materials* (except in bulk), from Little Falls, N.J., to Denver, Colo., Albuquerque, N. Mex., and points in California and Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Newark, N.J., or Washington, D.C.

No. MC 114274 (Sub-No. 43), filed March 4, 1977. Applicant: VITALIS TRUCK LINES, INC., 137 N.E. 48th Street Place, P.O. Box 1703, Des Moines, Iowa 50306. Applicant's representative: William H. Towle, 180 North LaSalle Street, Suite 3520, Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Storm Lake and Cherokee, Iowa, to points in Michigan, restricted to the transportation of traffic originating at the plantsite and warehouse facilities of Hygrade Food Products at the above named origins.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114457 (Sub-No. 295), filed March 7, 1977. Applicant: DART TRANSIT COMPANY, a corporation, 2102 University Avenue, St. Paul, Minn. 55114. Applicant's representative: James H. Wills (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from Rosemount, Minn., to points in Illinois, Indiana, those points in the Upper Peninsula of Michigan, and points in Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn., or Chicago, Ill.

No. MC 115162 (Sub-No. 352), filed March 7, 1977. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Doors, door parts*, and *materials and supplies*, used in the manufacture of doors, (1) between Cameron, Tex., on the one hand, and, on the other, points in Arkansas, Louisiana and Mississippi; and (2) between Tupelo, Miss., on the one hand, and, on the other, points in Indiana, Michigan, Ohio, Pennsylvania, West Virginia and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Birmingham, Ala., or Columbus, Ohio.

No. MC 115162 (Sub-No. 353), filed March 7, 1977. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *Plastic, plastic articles, plastic pipe, tubing, fittings, connections and materials, supplies and accessories*, used in the manufacture and installation thereof (except in bulk, in tank vehicles), between the facilities utilized by Robintech Incorporated, located at or near Evansville, Ind.; Prairie (Monroe County), Miss.; Danville, Ill.; Sylvania, Ohio; Slidell and New Orleans, La.; and Pace (Santa Rosa County), Fla., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Birmingham, Ala., or Washington, D.C.

No. MC 116077 (Sub-No. 378), filed February 24, 1977. Applicant: ROBERTSON TANK LINES, INC., 2000 West Loop South, Suite 1800, Houston, Tex. 77027. Applicant's representative: Pat H. Robertson, 500 West Sixteenth Street, P.O. Box 1945, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, from the plantsite of Pearl River Chemical Company located at or near Pearl River, La., to points in Alabama, Arkansas, Florida, Georgia, Mississippi, Tennessee and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New Orleans, La., or Dallas, Tex.

No. MC 116763 (Sub-No. 370), filed February 28, 1977. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters, P.O. Box 81, Versailles, Ohio 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products;* (2) *plastic sheets, dispensers and accessories, and premiums and advertising materials*, when shipped in combination with (1) above; and (3) *equipment, materials and supplies*, used in the manufacture and distribution of the commodities described in (1) and (2) above (except commodities in bulk, commodities requiring tank or hopper type vehicles, and commodities which due to their size and weight require special equipment), between the plantsite, storage facilities, and shipping facilities of Fort Howard Paper Company, located at or near Muskogee, Okla., on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, restricted to traffic originating at or destined to the plantsite, storage

facilities, and shipping facilities of Fort Howard Paper Company, located at or near Muskogee, Okla.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117427 (Sub-No. 75), filed February 28, 1977. Applicant: G. G. PARSONS TRUCKING CO., a corporation, P.O. Box 1085, North Wilkesboro, N.C. 28659. Applicant's representative: James E. Savitz, 4 Professional Drive, Suite 145, Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Maine, Massachusetts, New Hampshire and Vermont, to points in North Carolina, Tennessee and Virginia.

NOTE.—Applicant holds contract carrier authority in MC 116145, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 117765 (Sub-No. 224), filed February 28, 1977. Applicant: HAHN TRUCK LINE, INC., 5315 N.W. 5th Street, Oklahoma City, Okla. 73107. Applicant's representative: R. E. Hagan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products;* (2) *plastic sheets, dispensers and accessories, and premiums and advertising materials*, when shipped in combination with (1) above; and (3) *equipment, materials and supplies*, used in the manufacture and distribution of the commodities described in (1) above (except commodities in bulk, commodities requiring tank or hopper type vehicles, and commodities which due to their size and weight require special equipment), between the plantsite, storage facilities, and shipping facilities of Fort Howard Paper Company, located at or near Muskogee, Okla., on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Florida, Georgia, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Virginia, restricted to traffic originating at or destined to the plantsite, storage facilities, and shipping facilities of Fort Howard Paper Company, located at or near Muskogee, Okla.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117940 (Sub-No. 213), filed February 24, 1977. Applicant: NATIONWIDE CARRIERS, INC., Post Office Box 104, Maple Plain, Minn. 55359. Applicant's representative: Allan L. Timmerman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles) from the plantsite and facilities of Kraft Foods located at New Ulm, Minn., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia and the District of Columbia, restricted to the transportation of traffic originating at named origin point and destined to named destination points.

NOTE.—Applicant holds contract carrier authority in MC 114789 (Sub-No. 28), therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 117940 (Sub-No. 214), filed March 4, 1977. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Allan L. Timmerman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food and foodstuffs*, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles), from the plantsite and warehouse facilities of Kraft, Inc., located at Champaign, Ill., to points in Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, Virginia, Pennsylvania (except Allentown, Pa.), the District of Columbia, and those points in Maryland east of Interstate Highway 81, restricted to traffic originating at the above-named origins and destined to the named destinations.

NOTE.—Applicant holds contract carrier authority in various subs under No. MC 114789, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., St. Paul, or Minneapolis, Minn.

No. MC 118159 (Sub-No. 204), filed February 28, 1977. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51366, Dawson Station, Tulsa, Okla. 74151. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products;* (2) *plastic sheets, dispensers and accessories, and premiums and advertising materials* when shipped in combination with (1) above; and (3) *equipment, materials and supplies* used in the manufacture and distribution of the commodities described in (1) and (2) above (except commodities in bulk, commodities requiring tank or hopper type vehicles, and commodities which due to their size and weight require special equipment), between the plant site, storage facilities, and shipping facilities of Fort Howard Paper Company, located at or near Muskogee, Okla., on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan; Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, restricted to traffic originating at or destined to the plant site, storage facilities, and shipping facilities of Fort Howard Paper Company, located at or near Muskogee, Okla., on the one hand, and, on the other, traffic destined to or originating in the above-named states.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Washington, D.C.

No. MC 118292 (Sub-No. 37), filed April 8, 1977. Applicant: BALLENTINE PRODUCE, INC., P.O. Box 312, Alma, Ark. 72921. Applicant's representative: Barry Roberts, 888 17th St., NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Little Rock, Ark., to points in Arizona, California, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Maryland, Missouri, New Mexico, Oklahoma, Nebraska, Oregon, Texas, Virginia, Washington, Wisconsin and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Little Rock, Ark.

No. MC 118535 (Sub-No. 94), filed February 23, 1977. Applicant: TIONA TRUCK LINE, INC., 111 South Prospect, Butler, Mo. 64730. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 NW 58th St., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lead oxide*, from Frisco, Tex., to points in Alabama, Arkansas, Illinois, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, Oklahoma, South Carolina and Tennessee; and (2) lead, (a) from Leeds, Ala.; Buick and Glover (Iron County), and Herculaneum, Mo.; Baton Rouge, La.; and Omaha, Nebr., to Frisco, Tex.; and (b) from Buick (Iron County), Mo., to Terrel, Tex.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex.

No. MC 118959 (Sub-No. 148), filed March 9, 1977. Applicant: JERRY LIPPS, INC., 130 South Frederick St., Cape Girardeau, Mo. 63701. Applicant's representative: Robert M. Pearce, P.O. Box 1111, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel and aluminum storage buildings*, complete, knocked down, and *storage building parts, attachments and accessories* (except commodities in bulk), from the plantsite of Arrow Group Industries, Inc. located at or near Breese, Ill., to points in the United States (except Alaska, Hawaii, and those points in the upper peninsula of Michigan).

NOTE.—Applicant states the purpose of this application is to convert existing contract carrier authority to common carrier authority. Applicant holds contract carrier authority in No. MC 125664, therefore dual operations may be involved. If a hearing is deemed

necessary, the applicant requests it be held at Louisville, Ky.

No. MC 119399 (Sub-No. 69), filed February 28, 1977. Applicant: CONTRACT FREIGHTERS, INC., 2900 Davis Boulevard, Joplin, Mo. 64801. Applicant's representative: David L. Sitton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products*, (2) *plastic sheets, dispensers and accessories, and premiums and advertising materials* when shipped in combination with (1) above; and (3) *equipment, materials and supplies* used in the manufacture and distribution of the commodities described in (1) and (2) above (except commodities in bulk, commodities requiring tank or hopper type vehicles, and commodities which due to their size and weight require special equipment), between the plant site, storage facilities, and shipping facilities of Fort Howard Paper Company located at or near Muskogee, Okla., on the one hand, and, on the other, Alabama, Arkansas, Colorado, Florida, Georgia, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and Wisconsin, restricted to traffic originating at or destined to the plant site, storage facilities, and shipping facilities of Fort Howard Paper Company located at or near Muskogee, Okla., and further restricted to traffic destined to or originating in the above named states.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 119441 (Sub-No. 42), filed February 25, 1977. Applicant: BAKER HIWAY EXPRESS, INC., P.O. Box 506, 555 Commercial Parkway, Dover, Ohio 44622. Applicant's representative: Richard H. Brandon, 220 West Bridge Street, P.O. Box 97, Dublin, Ohio 43017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Brick and clay products*, (a) from points in Marion County, Ohio to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, Tennessee and Wisconsin; and (b) from points in Clay County, Ind., to points in Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia and the District of Columbia, (2) *materials and supplies* used or useful in the manufacture and sale of steel, brick and clay products (except commodities in bulk), from points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri (except Oran), New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia, to points in Ohio (except Coal Grove and Ava, Ohio); and (3) *materials and supplies* used or useful in the manufacture and sale of brick and clay products (except commodities in bulk), from points in the destination area described in (1) (b) above, to points in Clay County, Ind., restricted in (2) above against (a) the transportation of clay in bags from Gleason, Tenn., and Mayfield and Hickory, Ky., to Cambridge, Roseville and Zanesville, Ohio, (b) the transportation of materials used in the manufacture of clay building tile from Kentucky and Tennessee to points in Stark County, Ohio and those in Tuscarawas County, Ohio, within two miles of East Sparta, Ohio; and (c) the transportation of frit and stains, in bags, from Baltimore, Md., to Cambridge, Roseville, and Zanesville, Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 119792 (Sub-No. 57), filed February 28, 1977. Applicant: CHICAGO SOUTHERN TRANSPORTATION COMPANY, a corporation, 3600 South Western, Chicago, Ill. 60609. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and food ingredients* (except commodities in bulk), *curio and gift shop items, toys display material*, when moving in mixed shipments with foodstuffs, from points in Wisconsin (except Appleton, Kenosha, Beloit, Kiel, Hilbert, Milwaukee, Greenfield, Ft. Atkinson, Jefferson, Portage, Rice Lake, Sheboygan, and Paris Township), to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Milwaukee, Wis.

No. MC 119834 (Sub-No. 4), filed March 9, 1977. Applicant: ROBERT N. TOOMEY, doing business as ROBERT N. TOOMEY TRUCKING CO., 1516 South George Street, York, Pa. 17403. Applicant's representative: Edward N. Button, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in refrigerated equipment, from points in Texas, to the warehouse shipping and receiving facilities of Westridge Beverage Co., at York, Pa.

NOTE.—Applicant holds contract carrier authority in MC 124144 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at York, Pa., or Washington, D.C.

No. MC 119917 (Sub-No. 41), filed February 24, 1977. Applicant: DUDLEY TRUCKING COMPANY, INC., 724 Memorial Drive, S.E., Atlanta, Ga. 30316. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Avenue, N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Baker products* (except frozen), (1) from the plant sites and shipping facilities of Nabisco, Inc., located at Henrico County, Va., and Atlanta, Ga., to points in Arkansas and Oklahoma and to points in Texas on and east of U.S. Highway 281; and (2) from the plant site and shipping facilities of Nabisco, Inc., located at or near Houston, Tex., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 119934 (Sub-No. 213), filed March 3, 1977. Applicant: ECOFF TRUCKING, INC., 652 E. Broadway, Fortville, Ind. 46040. Applicant's representative: Robert W. Loser II, 1009 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids, chemicals, alcohol, denatured alcohol solvent*, and *polythylene resins*, in bulk, in tank or hopper-type vehicles, from Tuscola, Ill., to points in the United States on and east of U.S. Highway 85, including Utah.

NOTE.—Applicant holds contract carrier authority in No. MC 128161 and (Sub-No. 1) thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at either Indianapolis, Ind., or Chicago, Ill.

No. MC 120626 (Sub-No. 3) (amendment), filed February 10, 1977, published in the FEDERAL REGISTER issue of April 7, 1977, republished as amended this issue. Applicant: LAW FARMS AND CATTLE CO., doing business as LAW MOTOR LINES, 1705 Elm Street, Rocky Ford, Colo. 81067. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grand St. Bldg., Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sugar*, from American Crystal Sugar Company, located at or near Rocky Ford, Colo., to points in Kansas, New Mexico, Oklahoma and Texas; and (2) *molasses, and liquid animal feed*, between points in Kansas, and Colorado.

NOTE.—The purpose of this republication is to amend the territorial description in part (2) of this proceeding. If a hearing is deemed necessary, the applicant requests it to be held at Denver, Colo., or Wichita, Kans.

No. MC 123157 (Sub-No. 30), filed March 4, 1977. Applicant: CTI, a Corporation, P.O. Drawer 397, Rillito, Ariz. 85247. Applicant's representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, Ariz. 85014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, (1) from points in California, to points in Nevada; and (2) from railheads in Clark County, Nev., to the facilities of Southern California Edison Power Plant, located approximately 3 miles south of Davis Dam, Nev.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Phoenix, Ariz., or Los Angeles, Calif.

No. MC 123765 (Sub-No. 8), filed March 8, 1977. Applicant: BARRY TRANSFER & STORAGE CO., INC., 120 East National Avenue, Milwaukee, Wis. 53204. Applicant's representative: William C. Dineen, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* manufactured, shipped, or received by Outboard Marine Corporation, its subsidiaries and divisions (except commodities in bulk), between Milwaukee, Manawa and Beloit, Wis., and Waukegan and Galesburg, Ill., restricted to traffic originating at and destined to, the plantsites, warehouses and distribution facilities of Outboard Marine Corporation, its subsidiaries and divisions.

NOTE.—Applicant holds contract carrier authority in various subs under MC 6031, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Milwaukee, Wis.

No. MC 124078 (Sub-No. 719), filed March 7, 1977. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28 Street, Milwaukee, Wis. 53215. Applicant's representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, Wis. 53201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Magnetite*, in bags, from Bristol, Tenn., to points in Alabama, Ohio, Pennsylvania, and West Virginia.

NOTE.—Applicant holds contract carrier authority in MC 113832 Sub 68, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Milwaukee, Wis.

No. MC 124221 (Sub-No. 61), filed February 28, 1977. Applicant: HOWARD BAER, P.O. Box 27, Morton, Ill. 61550. Applicant's representative: Robert W. Loser, 1009 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bakery products*, in vehicles equipped with mechanical refrigeration, from Roanoke, Va., to points in North Carolina, South Carolina, and Georgia (except Atlanta, Ga.); (2) *such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, *equipment, materials and supplies* used in the conduct of such business (except commodities in bulk), in vehicles equipped with mechanical refrigeration, (a) from points in North Carolina, and Georgia, to Roanoke, Va., and (b) between Cincinnati, Ohio, on the one hand, and, on the other, points in North Carolina, South Carolina and Georgia (except Atlanta, Ga.), restricted in (1) and (2) above to traffic originating at or destined to the facilities of The Kroger Company, and under a contracting contract, or contracts in (1) and (2) above with The Kroger Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Indianapolis, Ind.

No. MC 124402 (Sub-No. 9), filed March 4, 1977. Applicant: FLEET LINE, INC., 2909 South Hickory Street, Chattanooga, Tenn. 37407. Applicant's representative: William A. Roberts (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lard, lard substitute, shortening, vegetable oils, animal oils and blends thereof* (except in bulk, in tank vehicles), from Helena, Ark., to points in Florida, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, under a continuing contract, or contracts, with Armour & Company.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Chattanooga or Nashville, Tenn.

No. MC 124679 (Sub-No. 75), filed March 3, 1977. Applicant: C. R. ENGLAND & SONS., INC., 975 West 2100 South, Salt Lake City, Utah 84119. Applicant's representative: Daniel E. England, 300 Arrow Press Square, Building No. 2, P.O. Box 2465, Salt Lake City, Utah 84119. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from points in Idaho, Oregon and Washington, to points in Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia and the District of Columbia.

NOTE.—Applicant holds contract carrier authority in MC 128813 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Boise, Idaho or Portland, Oreg.

No. MC 124887 (Sub-No. 28), filed February 7, 1977. Applicant: SHELTON TRUCKING SERVICE, INC., Highway 73, Route No. 1, Box 230, Altha, Fla. 32421. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tall oil;* and (2) *heads cut, fatty acids, and rosin*, by-products of crude tall oil, from Port St. Joe, Fla., to points in Alabama, Florida and Georgia, restricted in (1) and (2) above against the transportation of commodities in bulk.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Jacksonville, Fla.

No. MC 124979 (Sub-No. 5), filed February 28, 1977. Applicant: CONRAD BERG, doing business as C. BERG COMPANY, Route No. 1, Box 185A, Saginaw, Minn. 55759. Applicant's representative: Val M. Higgins, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, from Duluth, Minn., to those points in the Upper Peninsula of Michigan, and points in Minnesota, North Dakota, South Dakota, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 125506 (Sub-No. 26), filed February 24, 1977. Applicant: JOSEPH ELETTO TRANSFER, INC., 33 West Hawthorne Avenue, Valley Stream, N.Y. 11580. Applicant's representative: Morris Honig, 150 Broadway, New York, N.Y. 10038. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail specialty shops dealing primarily in wearing apparel, store furniture and fixtures, and advertising and display materials, (1) between New York, N.Y., on the one hand, and, on the other, points in New Jersey, under a continuing contract or contracts with Saks Fifth Avenue; and (2) between New York, N.Y., on the one hand, and, on the other, points in Saddle Brook, Newark, East Brunswick, Perth Amboy, Livingston and Millburn, N.J., under a continuing contract or contracts with Lane Bryant, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 125777 (Sub-No. 186), filed March 4, 1977. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Avenue, Gary, Ind. 46403. Applicant's representative: Edward G. Bazelon, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferro alloys*, in bulk, in dump vehicles, from Woodstock, Tenn., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Memphis, Tenn.

No. MC 126118 (Sub-No. 37), filed March 3, 1977. Applicant: CRETE CARRIER CORP., P.O. Box 81228, Lincoln, Nebr. 68501. Applicant's representative: Duane W. Acklie (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* in containers, from Detroit, Mich. and Louisville, Ky., to points in Guilford County, N.C.

NOTE.—Applicant holds contract carrier authority in MC 128375 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at either Greensboro, N.C., or Lincoln, Nebr.

No. MC 127096 (Sub-No. 4), filed March 2, 1977. Applicant: HENNES TRUCKING COMPANY, a Corporation, 338 South 17th Street, Milwaukee, Wis. 53233. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Waverly, Ohio, to points in West Virginia and Kentucky.

NOTE.—Applicant holds contract carrier authority in No. MC 111862 and subs thereunder; therefore dual operations may be in-

volved. If a hearing is deemed necessary, the applicant requests that it be held on a consolidated record with a similar application at either Washington, D.C., or Chicago, Ill.

No. MC 127840 (Sub-No. 52), filed March 4, 1977. Applicant: MONTGOMERY TANK LINES, INC., 17550 Fritz Drive, P.O. Box 382, Lansing, Ill. 60438. Applicant's representative: William H. Towle, 180 North LaSalle Street, Suite 3520, Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats and oils*, in bulk, from Fairbury, Nebr., to points in Arkansas, Kansas, Missouri, Oklahoma and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Omaha, Nebr., or Kansas City, Mo.

No. MC 128007 (Sub-No. 97), filed March 8, 1977. Applicant: HOFER, INC., P.O. Box 583, Pittsburgh, Kans. 66762. Applicant's representative: Larry E. Gregg, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Premixed mineral feed ingredients*, in bulk, from the plant site and storage facilities of Ragland Mills, Inc., located in Newton County, Mo., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Kansas City, Mo.

No. MC 128273 (Sub-No. 255) (correction), filed February 10, 1977, published in the FEDERAL REGISTER issue of March 31, 1977, republished as corrected this issue. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, Kans. 66701. Applicant's representative: Elden Corban (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paint and paint products, and commodities*, which are manufactured, sold by or dealt in by paint manufacturers, *and materials, equipment and supplies*, used in the conduct of such business, between Baltimore, Md., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—The purpose of this republication is to correct the territorial description in this proceeding. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 128866 (Sub-No. 59), filed March 2, 1977. Applicant: B & B TRUCKING, INC., P.O. Box 2830, 9 Brade Lane, Cherry Hill, N.J. 08034. Applicant's representative: J. Michael Farrell, 1725 K Street, NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum foil and sheet*, (a) from the plant sites of the Aluminum Company of America, located at Davenport, Iowa; Lebanon, Pa.; and Alcoa, Tenn., to the plantsite of Penny Plate, Inc., located at Wawnesboro, Va.; and (b) from the plantsite of Consolidated Aluminum Company, located at Jackson, Tenn., to the plantsite of Penny Plate, Inc., located at Waynesboro, Va.; and (2) *aluminum food containers*, from the plantsite of Penny Plate, Inc., located at Waynesboro, Va., to points in Alabama, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Wisconsin, under a continuing contract, or contracts, in (1) and (2) above, with Penny Plate, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Washington, D.C., or Philadelphia, Pa.

No. MC 129032 (Sub-No. 35), filed February 28, 1977. Applicant: TOM INMAN TRUCKING, INC., P.O. Box 9667, 6015 South 49th West Avenue, Tulsa, Okla. 74107. Applicant's representative: Michael J. Stecher, 256 Montgomery Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products*; (2) *plastic sheets, dispensers and accessories, and premiums and advertising materials*, when shipped in combination with (1) above; and (3) *equipment, materials and supplies*, used in the manufacture and distribution of the commodities described in (1) and (2) above (except commodities in bulk, commodities requiring tank or hopper type vehicles, and commodities which due to their size and weight require special equipment), between the plantsite, storage facilities, and shipping facilities of Fort Howard Paper Company, located at or near Muskogee, Okla., on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, and Wyoming, restricted to traffic originating at or destinated to the plantsite, storage facilities, and shipping facilities of Fort Howard Paper Company, located at or near Muskogee, Okla.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 129068 (Sub-No. 38), filed February 25, 1977. Applicant: GRIFFIN TRANSPORTATION, INC., 3002 S. Douglas Blvd., Oklahoma City, Okla. 73150. Applicant's representative: Jack L. Griffin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles in secondary movements (except recreational vehicles such as travel trailers and campers), from points in Alabama, California, Florida, Georgia, Indiana, Mississippi, North Carolina, Oregon and South Carolina, to points in the United States (except Alaska and Hawaii), restricted against the transportation of traffic (1) from Birmingham, Ala. and points within 15 miles thereof, to points in Arkansas, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee and Virginia; (2) from points in Florida, Georgia, Mississippi, North Carolina, and South Carolina, to Birmingham, Ala. and points within 15 miles thereof; (3) from points in South Carolina, to points in Georgia, North Carolina, and those points in that part of Tennessee on and east of U.S. Highway 127; (4) from points in California and Oregon, to points in Montana, Minnesota, and North Dakota; (5) from points in Florida, to points in Arkansas, Georgia, Mississippi, North Carolina, South Carolina, Tennessee and Virginia; (6) from points in Georgia, to points in Kentucky, Mississippi, Tennessee, Virginia, North Carolina and South Carolina; (7) from points in North Carolina, to points in South Carolina; (8) from points in Oregon, to points in California and Washington, and (9) from points in California, to points in Oregon.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Oklahoma City, Okla. or Dallas, Tex.

No. MC 129455 (Sub-No. 15), filed March 10, 1977. Applicant: CARRETTA TRUCKING, INC., 301 Mayhill Street, Saddle Brook, N.J. 07662. Applicant's representative: Charles J. Williams, 1815 Front Street, Scotch Plains, N.J. 07076. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Toilet preparations, shaving cream, shampoo, soap, and store displays*, knocked down, from Morristown, N.J., to points in Illinois, Indiana, Michigan, Missouri, Nebraska, Ohio, Oklahoma, Tennessee and Texas, under a continuing contract and Texas, under a continuing contract, or contracts, with the Mennen Company, located in Morristown, N.J.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at New York, NY.

No. MC 129631 (Sub-No. 55), filed February 24, 1977. Applicant: PACK TRANSPORT, INC., 3975 South 300 West, Salt Lake City, Utah 84107. Applicant's representative: Paul Smart (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Building materials and iron and steel articles*, Between Provo and Salt Lake City, Utah, over U.S. Highway 91, serving the intermediate point of Pleasant Grove, Utah, and the off-route point of Riverton, Utah.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Salt Lake City, Utah.

No. MC 129790 (Sub-No. 3), filed March 8, 1977. Applicant: JOSEPH A. BECKER, doing business as, BECKER HI-WAY FRATE, 121 Adams Avenue, Albert Lea, Minn. 56007. Applicant's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate

as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses* (except hides and commodities in bulk), as defined in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates 61 M.C.C. 209 and 766, from the plantsite and warehouse facilities of Wilson Foods Corporation, located at Albert Lea, Minn., to points in Delaware, Kentucky, Maryland, New Jersey, New York, Pennsylvania, Virginia, West Virginia, and the District of Columbia, under a continuing contract, or contracts, with Wilson Foods Corporaion, located at Oklahoma City, Okla.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex., or Kansas City, Mo.

No. MC 133095 (Sub-No. 155), filed March 14, 1977. Applicant: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, Tex. 76039. Applicant's representative: K. Edward Wolcott, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Power transmission machinery and related parts, attachments, accessories and supplies*, from Chambersburg, Pa., to Atlanta, Ga.; Chicago, Ill.; Dallas, Tex.; and San Leandro, Calif.

NOTE.—Applicant holds contract carrier authority in No. MC 136032 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Philadelphia, Pa., or Washington, D.C.

No. MC 133565 (Sub-No. 9), filed March 7, 1977. Applicant: TRUE TRANSPORT, INC., 293 Wilson Avenue, Newark, N.J. 07101. Applicant's representative: Charles J. Williams, 1815 Front Street, Scotch Plains, N.J. 07076. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), in containers, or in trailers, from Mechanicsburg, Chambersburg and New Cumberland, Pa., to the ports at Baltimore, Md., and Philadelphia, Pa., restricted to traffic having a subsequent movement by water.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 133689 (Sub-No. 109), filed March 9, 1977. Applicant: OVERLAND EXPRESS, INC., 719 First St., SW., New Brighton, Minn. 55112. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, (1) from the plantsite and storage facilities of Lakeside Packing Company located at or near Manitowoc, Wis. and Plainview, Minn., to points in Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Michigan, Massachusetts, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia; and (2) between the plantsite and storage facilities of Lakeside Packing Company located at or near Manitowoc, Wis., on the one hand, and, on the other, Plainview, Minn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 133689 (Sub-No. 110), filed March 9, 1977. Applicant: OVERLAND EXPRESS, INC., 719 First St., SW., New Brighton, Minn. 55112. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and pet food*, from the plantsite and storage facilities of Sanna Division Beatrice Foods Co. located at or near Menomonie, Vesper, Eau Claire, Cameron and Wisconsin Rapids, Wis., to points in Alabama, Connecticut, Delaware, Georgia, Indiana, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 133937 (Sub-No. 19), filed February 25, 1977. Applicant: CAROLINA CARTAGE COMPANY, INC., P.O. Box 1075, Greenville, S.C. 29602. Applicant's representative: Henry P. Willimon (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, on hangers, in polyethylene bags, packs, flats, and racks, between points in North Carolina, South Carolina and Atlanta, Ga.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Greenville or Columbia, S.C.

No. MC 134477 (Sub-No. 151), filed March 3, 1977. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Matches and woodenware* (except commodities in bulk), from Dixfield and Oakland, Maine, and Springfield, Mass., to points in Missouri (except Kansas City, Mo.).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 134477 (Sub-No. 152), filed March 3, 1977. Applicant: SCHANNO TRANSPORATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of Monfort of Colorado, Inc., located at or near Greeley, Colo., to points in Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Minnesota, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, South Dakota, Vermont, Wisconsin and the District of Columbia, restricted to the transportation of shipments originating at the above described origin points and destined to the above described destination points.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 134477 (Sub-No. 154), filed March 7, 1977. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of Armour and Company, located at or near Hereford, Tex., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to the transportation of traffic originating at the above named origin and destined to the above named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 134484 (Sub-No. 11), filed March 3, 1977. Applicant: EDWARDS BROS., INC., 1875 North Holmes Avenue, Idaho Falls, Idaho 83401. Applicant's representative: Dennis M. Olsen, 485 E Street, Idaho Falls, Idaho 83401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meat and meat packinghouse products* (except commodities in bulk), from Seattle and Toppenish, Wash., to points in Arizona, California, Idaho, Montana, Nevada, Oregon and Utah.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either

Idaho Falls, Idaho, Salt Lake City, Utah or Boise, Idaho.

No. MC 134755 (Sub-No. 96), filed March 3, 1977. Applicant: CHARTER EXPRESS, INC., P.O. Box 3772, Springfield, Mo. 65804. Applicant's representative: Larry D. Knox, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food and foodstuffs* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from the plantsite and warehouse facilities of Kraft, Inc. located at or near Champaign, Ill., to points in Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Maryland, Vermont, Virginia and the District of Columbia, restricted to traffic originating at the named origins and destined to points in the destination states.

NOTE.—Applicant holds motor contract authority in various Subs under MC 138398, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at either Chicago, Ill., or Kansas City, Mo.

No. MC 135078 (Sub-No. 15), filed March 4, 1977. Applicant: AMERICAN TRANSPORT, INC., 7850 F Street, Omaha, Nebr. 68127. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brushes, saws, arbors, and plastic grinding wheels*, from Worcester, Mass., to Franklin Park, Ill., and points in Indiana, Michigan, Pennsylvania and Ohio.

NOTE.—Applicant holds contract carrier authority in No. MC 135007 (Sub-No. 1 and other subs); therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Omaha, Nebr.

No. MC 135170 (Sub-No. 18), filed March 7, 1977. Applicant: TRI-STATE ASSOCIATED, INC., P.O. Box 188, Federalsburg, Md. 21632. Applicant's representative: James C. Hardman, 33 N. LaSalle St., Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Containers, container closures*, and *material, equipment, and supplies*, used in the manufacture, sale and distribution of containers and container closures (except commodities in bulk), from Franklin, Va., to points in Delaware, Maryland, North Carolina, New Jersey, Pennsylvania, and the District of Columbia, restricted to traffic to be performed under a continuing contract or contracts, with Appollo Plastics, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 135874 (Sub-No. 74), filed March 7, 1977. Applicant: LTL PERISHABLES, INC., 550 East Fifth Street South, South St. Paul, Minn. 55075. Applicant's representative. Samuel Rubenstein, 301 North Fifth Street, Minneapolis, Minn. 55403. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Arlington and Ortonville, Minn., and Bloomer, Wis., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Minneapolis or St. Paul, Minn.

No. MC 136100 (Sub-No. 5), filed February 25, 1977. Applicant: K & K TRANSPORTATION CORPORATION, 4515 South 24th Street, Omaha, Nebr. 68110. Applicant's representative Marshall D. Becker, 530 Univac Building, Omaha, Nebr. 68106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pet food, bird gravel, and pet accessories* and *supplies* from Omaha, Nebr., to points in the United States (except Alaska and Hawaii), and (2) *Pet accessories and supplies* from points in California, Illinois, Louisiana, New York, New Jersey, Ohio, Oregon, Tennessee, Texas, Virginia and Washington to Omaha, Nebr., under a continuing contract or contracts with Con Agra Incorporated.

NOTE.—Applicant holds common carrier authority in MC 139835, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Omaha, Nebr., or Kansas City, Mo.

No. MC 136343 (Sub-No. 105), filed March 9, 1977. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, Pa. 17847. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from the facilities of Bison Canning Co., Inc., located at Angola, N.Y., to points in Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Buffalo or Albany, N.Y.

No. MC 136343 (Sub-No. 106), filed March 8, 1977. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, Pa. 17847. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard*, between West Elizabeth, Pa., and points within one mile thereof, on the one hand, and, on the other, the plantsite of International Paper Company, located in the Township of Sewickley, Westmoreland County, Pa., restricted to traffic having a prior or subsequent movement by water or rail.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Harrisburg or Philadelphia, Pa.

No. MC 136605 (Sub-No. 22), filed March 4, 1977. Applicant: DAVIS BROS. DIST., INC., 2024 Trade St., P.O. Box 8058, Missoula, Mont. 59807. Applicant's representative: W. E. Seliski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, janitorial and dry cleaning supplies (except in bulk, in tank vehicles), (1) from points in Illinois, Michigan, Minnesota, Ohio and Wisconsin, to Sioux Falls and Rapid City, S. Dak., and points in Montana and Wyoming; and (2) from Sioux Falls and Rapid City, S. Dak., to points in Montana.

NOTE.—Applicant holds contract carrier authority in MC 127349 (Sub-No. 2), therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Billings, Helena or Missoula, Mont.

No. MC 136828 (Sub-No. 14), filed March 2, 1977. Applicant: COOK TRANSPORTS, INC., P.O. Drawer O, Pinson, Ala. 35126. Applicant's representative: Robert M. Pearce, P.O. Box 1111, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pipe, castings, valves, hydrants, fittings*, and *parts and accessories* used in connection therewith, from Holt, Ala., to points in the United States (except Alaska and Hawaii); and (2) *machinery, equipment, materials and supplies* used in, or in connection with, the manufacture of the commodities named in (1) above, (except commodities in bulk, in tank or hopper type vehicles), from points in the United States (except Alaska and Hawaii), to Holt, Ala.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Birmingham, Ala., or Washington, D.C.

No. MC 138144 (Sub-No. 20), filed March 2, 1977. Applicant: FRED OLSON CO., INC., 6022 West State Street, Milwaukee, Wis. 53213. Applicant's representative: Anthony E. Young, 327 South LaSalle Street, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plantsites and warehouse facilities utilized by L. B. Foster Co., located at or near Chicago, Ill., to points in Colorado, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, Texas, Wisconsin and Wyoming.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 138359 (Sub-No. 6), filed March 9, 1977. Applicant: LENNEMAN TRANSPORT, INC., 10 North Michigan St., Hutchinson, Minn. 55350. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Perry, Ga., to Hutchinson,

Minn., under a continuing contract, or contracts, with Lenneman Beverage Distributors, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 138432 (Sub-No. 7), filed March 7, 1977. Applicant: GARLAND GEHRKE, R.F.D. No. 1, Lincoln, Ill. 62656. Applicant's representative: James R. Madler, 120 W. Madison Street, Suite 718, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed*, from Lincoln, Ill., to points in Indiana, Kentucky, Missouri and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago or Springfield, Ill.

No. MC 138445 (Sub-No. 1), filed February 28, 1977. Applicant: RONALD SCHOFIELD, doing business as SCHOFIELD WRECKER SERVICE, 1300 South Sylvania Avenue, Fort Worth, Tex. 76111. Applicant's representative: Clint Oldham, 1108 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, repossessed, and replacement motor vehicle*, in wrecker service only, between points in Texas, on the one hand, and, on the other, points in the United States including Alaska, but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Dallas or Fort Worth, Tex.

No. MC 138627 (Sub-No. 19), filed March 3, 1977. Applicant: SMITHWAY MOTOR XPRESS, INC., P.O. Box 404, Fort Dodge, Iowa 50501. Applicant's representative: Arlyn L. Westergren, Suite 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precast and prestressed concrete products, casting forms and components* used in the manufacture of precast and prestressed concrete products, and *equipment* used in the handling of precast and prestressed concrete products, from the facilities of Rocky Mountain Pre-Stress Group, located at Kansas City, Kans., to points in Colorado, Illinois, Iowa, Missouri, Nebraska and Oklahoma.

NOTE.—Applicant holds contract carrier authority in MC 66955, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Omaha, Nebr., or Kansas City, Kans.

No. MC 138741 (Sub-No. 32), filed February 24, 1977. Applicant: AMERICAN CENTRAL TRANSPORT, INC., 2005 North Broadway, Joliet, Ill. 60435. Applicant's representative: Tom B. Kretsinger, 101 W. 11th St., 910 Brookfield Building, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Roofing and building materials*, from St. Louis, Mo., to points in Arkansas, Indiana, Iowa, Kansas, Kentucky, and Missouri; and (2) *refused and retendered* shipments on return.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City or St. Louis, Mo.

No. MC 139151 (Sub-No. 3), filed March 4, 1977. Applicant: CANUS TRUCKING LTD., 105 Maple Street, Winnipeg, Manitoba, Canada R2W3L1. Applicant's representative: Chester A. Zyblut, 366 Executive Bldg., 10306 15th Street, NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bentonite clay, foundry core additives, foundry sand additives, and foundation water impedance boards* (except commodities in bulk), from Burnette and Minneapolis, Minn., and from the plantsite of American Colloid Company, located at or near Belle Fourche, S. Dak., to the port of entry on the International Boundary line between the United States and Canada located at or near Noyes, Minn., restricted to foreign commerce only.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 139170 (Sub-No. 5), filed March 7, 1977. Applicant: FRANK W. MADDEN COMPANY, a corporation, 1288 E. Archwood Avenue, Akron, Ohio 44306. Applicant's representative: James E. Davis, 611 West Market Street, Akron, Ohio 44303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precast and prestressed concrete building components and accessory parts*, from points in Portage County, Ohio, to points in Indiana, Kentucky, Michigan, Pennsylvania, and West Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Akron, Ohio.

No. MC 139254 (Sub-No. 5), filed March 3, 1977. Applicant: BROOKS TRANSPORTATION, INC., 30650 Carter Road, Solon, Ohio 44139. Applicant's representative: Henry U. Snavely, 410 Pine Street, Vienna, Va. 22180. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Household appliances and housewares; parts, materials, supplies* (except commodities in bulk); (2) *equipment* used in the manufacture of household appliances and housewares; and (3) *advertising materials and matter*, from North Canton, Ohio, to Atlanta and Forest Park, Ga., Baltimore, Md., Boston and Dedham, Mass., Dallas, Tex., Denver, Colo., Kansas City, Mo., Minneapolis, Minn., New York, N.Y., and Jersey City, N.J., under a continuing contract or contracts with The Hoover Company, located at North Canton, Ohio.

NOTE.—Common control may be involved. Applicant has common carrier authority pending in No. MC 142559, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests that it be held at either Canton or Cleveland, Ohio.

No. MC 139261 (Sub-No. 6), filed March 4, 1977. Applicant: BUCKEYE EXPRESS, INC., H & 1st Streets, Willis Day Industrial Park, P.O. Box 368, Perrysburg, Ohio 43551. Applicant's representative: Michael M. Briley, 300 Madison Avenue, Toledo, Ohio 43603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in bottles or cans, from the plantsites and facilities of New England Apple Products Co., Inc., located at or near Perrysburg, Ohio and Littleton, Mass., to points in the United States (except Alaska and Hawaii), under a continuing contract, or contracts, with New England Apple Products Co., Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Toledo, Ohio or Washington, D.C.

No. MC 139495 (Sub-No. 210), filed February 28, 1977. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H Street, N.W., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wheat germ and ganola*, (1) between the facilities of International Multifoods Corporation located at or near Manhattan, Kans., and Carrollton, Mich.; and (2) from the facilities of International Multifoods Corporation located at or near Manhattan, Kans. and Carrollton, Mich., to points in Connecticut, Maryland, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island and Vermont.

NOTE.—Applicant holds contract carrier authority in NO. MC 133106 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 139577 (Sub-No. 3), filed March 4, 1977. Applicant: ADAMS TRANSIT, INC., P.O. Box 338, Friesland, Wis. 53935. Applicant's representative: Delbert De Young (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods and materials, equipment and supplies* (except commodities in bulk) used or useful in the manufacture, sale or distribution of canned goods, between Antigo, Cambria, Clintonville, Friesland, Galesville, Markesan and Theresa, Wis., on the one hand, and, on the other, points in the United States (except Alaska, Arizona, California, Hawaii, Nevada, New Mexico, Oregon and Washington), restricted to shipments originating at or destined to the above specified points.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Milwaukee, Wis., or Chicago, Ill.

No. MC 139618 (Sub-No. 2), filed February 18, 1977. Applicant: ASBURY WRIGHT, doing business as WRIGHT TRUCKING COMPANY, Box 67, Pinehurst, Ga. 31070. Applicant's representa-

tive: Archie B. Culbreth, Suite 246, 1252 West Peachtree St., N.W., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery, equipment, implements, tractors and parts therefor*, from Auburn and Valley, Nebr.; Canton, Moline and Rock Island, Ill.; Des Moines, Dubuque and Waterloo, Iowa.; Louisville, Ky.; and Memphis, Tenn., to points in Crisp, Dooly and Houston Counties, Ga.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 139618 (Sub-No. 4), filed March 4, 1977. Applicant: ASBURY WRIGHT, doing business as WRIGHT TRUCKING COMPANY, P.O. Box 67, Pinehurst, Ga. 31070. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 West Peachtree Street, N.W., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer materials, lime and land plaster*, dry and liquid, in bulk, in bags, and in containers, (A) from points in Alabama, Florida and Tennessee, to points in Crisp, Dooly and Houston Counties, Ga., (B) from Albany, Ga., to points in Florida on and north of Florida Highway 50; and (C) from Eufaula, Ala., to Albany, Ga.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 138873 (Sub-No. 24), filed March 10, 1977. Applicant: J. H. WARE TRUCKING, INC., P.O. Box 398, Fulton, Mo. 65251. Applicant's representative: Larry D. Knox, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *comomn carrier*, by motor vehicle, over irregular routes, transporting: *prepared animal and poultry feed* (except in bulk), from the plantsite of Doane Products Company at Muscatine, Iowa, to points in Pennsylvania, New Jersey, New York, Maryland, Connecticut, Rhode Island, Delaware, Massachusetts, Vermont, New Hampshire, Maine, Virginia, West Virginia, and the District of Columbia.

NOTE.—Applicant holds motor contract carrier authority in MC 138375 (Sub-No. 1 and others); therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Kansas City, Mo., or St. Louis, Mo.

No. MC 13999 (Sub-No. 23), filed March 7, 1977. Applicant: REDFEATHER FAST FREIGHT, INC., 2606 North 11th Street, Omaha, Nebr. 68110. Applicant's representative: Elmer Wilson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses* (except hides and commodities in bulk), as defined in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite and warehouse facilities of Wilson Foods Corporation, located at Cherokee, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia, restricted to the transportation of traffic originating at the above named origins and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 140166 (Sub-No. 6), filed March 4, 1977. Applicant: JOHN L. SMITH, P.O. Box 186, Moreland, Idaho 83256. Applicant's representative: Jerold G. Oldroyd, 485 "E" Street, Idaho Falls, Idaho 83401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed and feed ingredients*, between Pocatello, Idaho, and points in Lewis and Clark, Teton, Glacier, Pondera, Toole, Chouteau, Carbon, Powell, Missoula, Liberty, Phillips, Judith Basin, Fergus and Cascade Counties, Mont.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Salt Lake City, Utah, or Boise, Idaho.

No. MC 140290 (Sub-No. 3), filed March 4, 1977. Applicant: KESSEL TRUCKING CO., INC., 615 N. Main, Blue Earth, Minn. 56013. Applicant's representative: Robert D. Gisvold, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe, plastic conduit, plastic slats, plastic tubing, plastic and iron fittings, and connections, valves, hydrants, gaskets, and materials, equipment and supplies* used in the installation of plastic pipe and plastic conduit (except comodities as described in Mercer Extension, Oil Field Commodities, 74 M.C.C. 459), from Winnebago, Minn., to points in Illinois, Indiana, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, Wyoming, and the Upper Peninsula of Michigan; and (2) *materials, equipment and supplies* used in the manufacture and installation of the commodities in part (1) above, from the above-named destination states, to Winnebago, Minn., under a continuing contract or contracts with Winnebago Drainage Systems, Inc.

NOTE —If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 140363 (Sub-No. 5), filed March 7, 1977. Applicant: CHAMP'S TRUCK SERVICE, INC., P.O. Box 1233, Meraux, La. 70075. Applicant's representative: Ford Pierson Luscy (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Various types and mixtures of clam and oyster shells, both whole and crushed, including mixtures with sand*, in bulk, in dump vehicles, from points in Louisiana, to points in Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New Orleans or Baton Rouge, La., or Houston, Tex.

No. MC 141776 (Sub-No. 6), filed March 7, 1977. Applicant: FOODTRAIN, INC., Spring and South Center Streets, Ringtown, Pa. 17967. Applicant's representative: L. Agnew Myers, Suite 407, Walker Building, 734 15th Street, NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pressure sensitive tape*, from North Brunswick, N.J., to Fort Wayne, Ind.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Philadelphia, Pa. or Washington, D.C.

No. MC 141776 (Sub-No. 7), filed March 7, 1977. Applicant: FOODTRAIN, INC., Spring and South Center Streets, Ringtown, Pa. 17967. Applicant's representative: L. Agnew Myers, Suite 407 Walker Building, 734 15th Street, NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard*, from Clifton and Whippany, N.J., and Riegelsville, Pa., to Cicero, Blue Island, Chicago, Milan and Lombard, Ill.; Cleveland, Warrensville and Cincinnati, Ohio; and South Bend, Ind., and St. Louis, Mo.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Philadelphia, Pa. or Washington, D.C.

No. MC 141804 (Sub-No. 49), filed February 28, 1977. Applicant: WESTERN EXPRESS, division of Interstate Rental, Inc., P.O. Box 422, Goodlettsville, Tenn. 37072. Applicant's representative: Frederick J. Coffman, P.O. Box 81849, Lincoln, Nebr. 68509. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Packaging materials and supplies* used in the production and packaging if individually portion control packaged foodstuffs (except meat, meat products, meat by-products, frozen foods, machinery, and commodities in bulk), from Dallas and Fort Worth, Tex.; Lyons Falls and White Plains, N.Y.; Columbus, Cleveland, and Cincinnati, Ohio; Minneapolis, Minn.; Chicago, Ill.; and Menasha and Shawano, Wis., to the plantsite and storage facilities of Serv-A-Portion, Inc., located at or near Chatsworth, Calif., restricted to traffic originating at or destined to the above named locations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Los Angeles, Calif., or Lincoln, Nebr.

No. MC 141969 (Sub-No. 9), filed February 25, 1977. Applicant: NOBLE TRANSPORT, INC., P.O. Box 17-B, Denver, Colo. 80217. Applicant's representative: Richard P. Kissinger, Suite 140 Cherry Creek Ctr., 360 S. Monroe, Denver, Colo. 80209. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum billets, ingots, blooms and slabs*, from the facilities of Intalco Aluminum Corporation loacted at or near Ferndale, Wash., to points in California.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Denver, Colo. or Seattle, Wash.

No. MC 142472 (Sub-No. 2), filed March 10, 1977. Applicant: CUSTOM SERVICES, INC., 6373 Highway 50 East, Carson City, Nev. 89701. Applicant's representative: Lynn Hettrick (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Diatomaceous earth* in bulk, from the plant site of Eagle Picher Industries, Inc., located in Story County, Nev., to points in California, under a continuing contract, or contracts, with Eagle-Picher Industries, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Carson City or Reno, Nev.

No. MC 142543 (Sub-No. 2), filed February 18, 1977. Applicant: L.D. FONTAINE doing business as L.D. FONTAINE TRUCKING, 504 Riverview Boulevard, Great Falls, Mont. 59404. Applicant's representative: R. V. Bottomly, 517 Strain Building, Great Falls, Mont. 59401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Apple cider* when transported in the same vehicle with commodities exempt under 203 (b)(6) of the Interstate Commerce Act, from Yakima, Wash., and its commercial zone, and Selah, Wash., to ports of entry on the International Boundary Line between the United States and Canada, located at or near Eastport, Idaho; Noyes, Minn.; Raymond and Sweetgrass, Mont.; and Portal, N. Dak.; restricted to traffic destined to the Provinces of Alberta, British Columbia, Manitoba and Saskatchewan, Canada.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Great Falls or Billings, Mont.

No. MC 142574 (Sub-No. 2), filed March 8, 1977. Applicant: CIRCLE C TRANSPORTATION COMPANY, a corporation, 5800 York Street, Denver, Colo. 80217. Applicant's representative: William J. Lippman, Suite 140 Cherry Creek Ctr., 360 South Monroe, Denver, Colo. 80209. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, and meat byproducts, and articles distributed by meat packing houses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Denver and Sterling, Colo., to points in the United States (except Alaska and Hawaii); and (2) *materials, equipment and supplies, and such other commodities*, as are used, or dealt in by persons engaged in the production and distribution of the commodities named in (1) above, from points in the United States (except Alaska and Hawaii), to Denver and Sterling, Colo., restricted to the transportation of traffic originating at and destined to the facilities of Circle C Beef Company, under a continuing contract or contracts in (1) and (2) above with Circle C Beef Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No. MC 142575 (Sub-No. 1), filed February 22, 1977. Applicant: UNDERWOOD TRUCK LINES, INC., 21 South Depot Street, Brazil, Ind. 47831. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers, semi-trailers, trailer chassis* (except those designed to be drawn by passenger automobiles) and *parts and accessories*, therefore, in initial movements, between the plant site and storage facilities of Great Dane Trailers, Indiana, Inc. located at or near Brazil, Ind., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Indianapolis, Ind. or Washington, D.C.

No. MC 142633 (Sub-No. 1), filed February 24, 1977. Applicant: HATHORN TRANSFER & STORAGE CO. INC., 620 Elliott Street, Alexandria, La. 71301. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used Household Goods*, between points in Louisiana Parishes of Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, and Rapides, restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating and containerization or unpacking, uncrating and decontainerization of such traffic.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Alexandria, La.

No. MC 142648 (Sub-No. 1), filed March 2, 1977. Applicant: O. M. WILSON MOVING & STORAGE COMPANY, INC., 2033 Hitzert Court, Fenton, Mo. 63026. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household Goods*, between St. Louis, Mo. and points in St. Louis, Lincoln, Warren, Jefferson, Saint Charles, Franklin, Crawford, Washington, St. Francis, Ste. Genevieve, Gasconade and Montgomery Counties, Mo. and Madison, St. Clair, Monroe, Jersey, Macoupin, Montgomery, Bond, Clinton, Washington, Randolph, Greene and Calhoun Counties, Ill., restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating and containerization or unpacking, uncrating and decontainerization of such traffic.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo.

No. MC 142910 (Sub-No. 2,) filed March 7, 1977. Applicant: NORMAN G. DAY., doing business as DAY EXPRESS, 3829½ Camelot Lane, Columbus, Ind. 47201. Aplicant's representative: Stephen M. Gentry, 5700 West Minnesota Street, Indianapolis, Ind. 46241. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Window shades and parts* related to the manufacture and installation of window shades, from the plantsite of Breneman, Inc., located at or near Madison, Ind., to Los Angeles and San Leandro, Calif., under contract with Breneman, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Indianapolis, Ind., or Louisville, Ky.

No. MC 142975, filed February 22, 1977. Applicant: GENE SANDERS TRUCKING, INC., 2045 Vermont Avenue NE, Albuquerque, N. Mex. 87110. Applicant's representative: Orville C. McCallister, 500 Oak NE, Albuquerque, N. Mex. 87106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicle truck bodies, truck and other vehicle parts and components, accessories and equipment; solid waste disposal equipment, liquid waste disposal equipment, specialty equipment for trucks and other vehicles, fire apparatus* of such nature as to require special rigging, handling, and transportation, from Compton, Oakland, Calif.; Galva, Chicago, Paris, Ill.; Indianapolis, Ind.; Cedar Falls, Iowa; Lester, Prairie, Minneapolis, Minn.; St. Louis, Mo.; Canton, Cleveland, Toledo, Ohio; Durante, Tulsa, Okla.; Elizabethville, Middletown, Pa.; Arlington, Brechenridge, Dallas, Fort Worth, Houston, Tex.; Salt Lake City, Utah; Milwaukee, Wis., to Albuquerque, Deming, Las Cruces, and Lordsburg, N. Mex., under a continuing contract, or contracts, with Clark Truck Equipment Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Albuquerque, or Santa Fe, N. Mex.

No. MC 142977, filed February 22, 1977. Applicant: HOOSIER FREIGHT LINES, INC., 4906 Imperial Court, Louisville, Ky. 40216. Applicant's representative: James K. Stayton, 216 Atkinson Square, Louisville, Ky. 40218. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods, heavy machinery and commodities in tank vehicles): Between Pekin, Ind. and Louisville, Ky.: (1) From Pekin over Indiana Highway 60 to the junction of Interstate Highway 65, thence over Interstate Highway 65 to Louisville, and return over the same route; (2) From Pekin, over Indiana Highway 60 to the junction of U.S. High-

way 31E (also portion Interstate Highway 65), thence over U.S. Highway 31E (also portion Interstate Highway 65), to Louisville, and return over the same route, as an alternate route for operating convenience only; and (3) From Pekin, over Indiana Highway 60 to the junction of Interstate Highway 65, thence over Interstate Highway 65 to the junction of Interstate Highway 265, thence over Interstate Highway 265 to the junction with Interstate Highway 64, thence over Interstate Highway 64 to Louisville, and return over the same route, as an alternate route for operating convenience only.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Louisville, Ky., or Indianapolis, Ind.

No. MC 143009, filed February 28, 1977. Applicant: RICHARD E. DURGIN, doing business as O'CONNORS EXPRESS, A337 Beckwith Rd., Pine City, N.Y. 14871. Applicant's representative: Richard E. Durgin (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electrical supplies*, from Elmira, N.Y., to points in Tioga, Bradford, Susquehanna, Lackawanna, Wyoming, Sullivan and Lycoming Counties, Pa., under a continuing contract, or contracts, with Wehle Electric Incorporated.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Elmira, Ithaca or Syracuse, N.Y.

No. MC 143012, filed March 2, 1977. Applicant: COMMERCIAL DISTRIBUTORS, INC., 2 Sycamore Drive, Hazlet, N.J. 07730. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic resins, materials, equipment and supplies* used in the manufacture and sale of plastic resins, (except commodities in bulk), between Allentown, Pa., on the one hand, and, on the other, points in that part of the United States in and east of Iowa, Kansas, Minnesota, Oklahoma and Texas, under a continuing contract, or contracts, with George Woloch Co., Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either New York, N.Y., or Washington, D.C.

No. MC 143061, filed February 28, 1977. Applicant: ELECTRIC TRANSPORT, INC., P.O. Box 338, Eden, N.C. 27288. Applicant's representative: K. Edward Wolcott, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electric equipment, devices, products, related items, and parts thereof, and commodities* used by and dealt in by manufacturers thereof (except commodities in bulk, commodities which because of size or weight require special equipment and aerospace craft and aerospace craft parts); (A) Between Somersworth, N.H., Pittsfield, Mass., and Rotterdam, N.Y.; and (B) Between the facilities of General Electric Company, located at or near Somersworth, N.H., Pittsfield, Mass., Rotterdam, N.Y., Salisbury, Hickory and East Flat Rock, N.C., on the one hand, and, on the other, points in the United States on and west of the eastern state boundary lines of Wisconsin, Iowa, Missouri, Arkansas, and Louisiana (except Alaska and Hawaii); and points in the upper peninsula of Michigan, under a continuing contract or contracts, with General Electric Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New York City, N.Y. or Charlotte, N.C.

No. MC 143062, filed March 3, 1977. Applicant: ALLEN LEE, doing business as A & L TRANSPORT, 11722 S. Halsted St., Chicago, Ill. 60628. Applicant's representative: James R. Madler, Rm. 718, 120 W. Madison St., Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter, and materials and supplies* used in the manufacture of printed matter (except commodities in bulk), between Chicago, Dwight and Mattoon, Ill., Crawfordsville and Warsaw, Ind., on the one hand, and, on the other, points in Illinois, Indiana, Iowa, Michigan, Missouri, Ohio, Oklahoma, and Wisconsin, under a continuing contract or contracts with R. R. Donnelley & Sons Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

PASSENGER APPLICATIONS

No. MC 1515 (Sub-No. 222), filed March 8, 1977. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, Ariz. 85077. Applicant's representative: W. L. McCracken (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in special operations, (1) Between Interchange No. 11 of the New Jersey Turnpike and Atlantic City, N.J. serving no intermediate points: From Interchange No. 11 of the New Jersey Turnpike over access highway to junction Garden State Parkway, thence over the Garden State Parkway to junction Atlantic City Expressway, thence over Atlantic City Expressway to Atlantic City and return over the same route; (2) Between Philadelphia, Pa. and the junction of the Atlantic City Expressway and the Garden State Parkway at Interchange 7 of the Atlantic City Expressway serving no intermediate points: From Philadelphia over Interstate Highway 76 across the Walt Whitman Bridge to Camden, N.J., thence over New Jersey State Highway 42 to junction Atlantic City Expressway, thence over the Atlantic City Expressway to junction Garden State Parkway and return over the same route; (3) Between the junction of U.S. Highway 130 and U.S. Highway 40 south of Deep Water, N.J., and Atlantic City, N.J. serving no intermediate points: From the junction of U.S. Highway 40 and U.S. Highway 130 over U.S. Highway 40 to junction U.S. Highway 322, thence over U.S. Highways 40 and 322 to Atlantic City, N.J. and return over the same route; and (4) Between the junction of U.S. Highway 206 and the New Jersey Turnpike at Interchange No. 7 and the Atlantic City Expressway serving no intermediate points: From the junction of U.S. Highway 206 and the New Jersey Turnpike over U.S. Highway 206 to junction Atlantic City Expressway and return over the same route.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.; Philadelphia, Pa.; and Washington, D.C.

No. MC 111256 (Sub-No. 1), filed March 3, 1977. Applicant: DONALD W. BUCKINGHAM, doing business as BUCKINGHAM BUS AND TAXI SERVICE, 21 Station Avenue, Groton, Mass. 01450. Applicant's representative: Frank Daniels, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in charter operations, beginning and ending at Groton, Ayer, Dunstable, Littleton, Lunenburg, Pepperell, Shirley, Westford, Harvard, Townsend and Tyngsboro, Mass., and extending to points in Connecticut, Delaware, Florida, Illinois, Maine, Maryland, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia and the District of Columbia.

NOTE.—If a hearing is deemed necessary the applicant requests it be held at Boston, Mass.

BROKER APPLICATIONS

No. MC 130179 (Sub-No. 1), filed March 7, 1977. Applicant: KAY HUTCHERSON CARDWELL, doing business as CARDWELL TOURS, Rt. No. 1, Box 199, Mayodan, N.C. 27027. Applicant's representative: Kay Hutcherson Cardwell (same address as applicant). Authority sought to engage in operation, in interstate or foreign commerce, as a broker at Mayodan, N.C. to sell or offer to sell the transportation of *Passengers and their baggage*, individually and in groups by motor, rail, water, and air carriers, from points in Guilford, Forsyth, and Stokes Counties, N.C. and Henry and Pittsylvania Counties, Va., to points in the United States including Alaska and Hawaii, and return.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Raleigh or Charlotte, N.C.

No. MC 130446, filed March 7, 1977. Applicant: GREAT ROAD TRAVEL, INC., 5 South Main Street, Medford, N.J. 08055. Applicant's representative: Susan L. Yeager (same address as applicant). Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Medford, N.J., to sell or offer to sell the transportation of *Passengers and their baggage*, individually and in groups, by motor carrier, from points in Burlington County, N.J., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Mt. Holly, Camden, Burlington or Trenton, N.J.

FREIGHT FORWARDER APPLICATIONS

No. FF-469 (Sub-No. 2), filed March 3, 1977. Applicant: IVORY FORWARDING, INC., 8035 Woodward Avenue, Detroit, Mich. 48202. Applicant's representative: Alan F. Wohlstetter, 1700 K Street, N.W., Washington, D.C. 20006. Authority sought to engage in operation, in interstate commerce, as a *freight forwarder*, through use of the facilities of common carriers by rail, motor, water and express, in the transportation of (1) *Used household goods and unaccompanied baggage;* and (2) *used automobiles*, between points in the United States including Alaska and Hawaii, restricted in (2) above to the transportation of import-export traffic.

NOTE.—Applicant states that the purpose of this application is to add Alaska to its present authority. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Detroit, Mich.

No. FF 494, filed March 9, 1977. Applicant: CVL FORWARDERS, a corporation, 1205 Industrial Way, Sparks, Nev. 89431. Applicant's representative: Alan F. Wohlstetter, 1700 K Street, N.W., Washington, D.C. 20006. Authority sought to engage in operation, in interstate commerce as a *freight forwarder*, through use of the facilities of common carriers by railroad, motor vehicle, water, and express, in the transportation of (a) *used household goods and unaccompanied baggage*, and (b) *used automobiles*, between points in the United States, including Hawaii but excluding Alaska, restricted in (b) above to the transportation of export and import traffic.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Monterey, Calif.

FINANCE APPLICATIONS

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, of rail carriers or motor carriers pursuant to sections 5(2) or 210a(b) of the Interstate Commerce Act.

An original and two copies of protests against the granting of the requested authority must be filed with the Commission on or before May 23, 1977. Such protest shall comply with Special Rules 240(c) or 240(d) of the Commission's General Rules of Practice (49 CFR 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant, if no representative is named.

No. MC-F-131381. Authority sought for control by CHROMALLOY AMERICAN CORPORATION, a diversified corporation, 120 South Central Avenue, St. Louis, MO., 63110, of MCBRIDE'S EXPRESS, INC., East Route 316, Mattoon, IL., 61398, of control of such rights through the transaction. Applicants' attorneys: E. Stephen Heisley and Kent B. Friedman, 666 Eleventh St., N.W., Washington, D.C., 20001, Chromalloy American Corporation, 120 South Central Ave., St. Louis, MO., 63105. Operating rights sought to be controlled: General commodities, with exceptions as a common carrier over regular routes, between St. Louis, MO., and Springfield, Ill., serving all intermediate points; between junction U.S. Highway 66 and Illinois Highway 48 and Decatur, Ill., serving all intermediate points; between St. Louis, MO., and Pana, Ill., serving all intermediate points; between Pana, Ill., and Decatur, Ill., serving all intermediate points; between junction U.S. Highway 40 and 50, and Shelbyville, Ill., serving all intermediate points; between junction U.S. Highway 40 and Illinois Highway 128, and Mattoon, Illinois serving all intermediate points; between Mattoon, Ill., and Decatur, Ill., serving all intermediate points; between Effingham, Ill., and Tuscola, Ill., serving all intermediate points; between St. Louis, Mo., and Marshall, Ill. serving all intermediate points; between Salem, Ill. and Effingham, Ill., serving all intermediate points; between Flora, Ill., and Effingham, Ill., serving all intermediate points; between Greenup, Ill., and Charleston, Ill., serving all intermediate points; serving all points in that part of Illinois on and south of U.S. Highway 36 and on and north of U.S. Highway 50, as off-route points in connection with carrier's regular-route operations authorized above, with restrictions; general commodities, with exceptions as a common carrier over irregular routes between St. Louis, Mo., on the one hand, and, on the other, points in that part of Illinois on and south of U.S. Highway 36 and on and north of U.S. Highway 50; general commodities, with exceptions as a common carrier over irregular routes between Decatur, Ill., on the one hand, and, on the other, points in that part of Illinois bounded by a line beginning at Vandalia, Ill., and extending along U.S. Highway 40 to Greenup, Ill., thence along Illinois Highway 130 to Charleston, Ill., thence along Illinois Highway 16 to Mattoon, Ill., thence along U.S. Highway 45 to Tuscola, Illinois, thence along U.S. Highway 36 to Decatur, Ill., and thence along U.S. Highway 51 to Vandalia, Ill., including points on the indicated portions of the highways specified, with restrictions; (1) Horse meat, meat products, and meat by-products not fit for human consumption as a common carrier over irregular routes from points in Indiana, Iowa, Michigan, Minnesota and Wisconsin to the plant site of Campbell & Co., at or near Mattoon, Ill., and (2) carnivorous animal food from the plant site of Campbell & Company at or near Mattoon, Illinois to points in Indiana, Iowa, Michigan, Minnesota and Wisconsin; general commodities, with exceptions between the plant site of Hussman Refrigerator Company at St. Charles Rock Road and Taussig Road, Bridgeton, Missouri on the one hand, and on the other, points in that part of Illinois on and south of U.S. Highway 36 and on and north of U.S. Highway 50; iron and steel articles, from the plant site of Jones & Laughlin Steel Corporation located in Putnam County, Illinois to points in Missouri; and materials, equipment, and supplies used in the manufacture and processing of iron and steel articles, from points in Missouri, to the plant site of Jones & Laughlin Steel Corporation, located in Putnam County, Illinois, with restrictions; foods and foodstuffs (except in bulk in tank vehicles), from Champaign, Ill., to points in Missouri, Iowa, Nebraska, South Dakota, North Dakota, Indiana, Kentucky, Ohio, and those parts of New York, Pennsylvania, and Maryland on and west of Interstate Highway 81, and to Allentown, Pa., with no transportation for compensation on return except as otherwise authorized, with restrictions; frozen foods, from Mattoon, Ill., to points in Alabama, Indiana, Iowa, Kansas, Kentucky, Missouri, Maryland, Michigan, Minnesota, Nebraska, New York, North Dakota, Ohio, Pennsylvania, South Dakota, Tennessee, and Wisconsin, with no transportation for compensation on return except as otherwise authorized, with restrictions. CHROMALLOY AMERICAN CORPORATION, holds no authority from this Commission. However, it controls AMERICAN TRANSIT CORP., which in turn controls certain motor carriers of passengers holding Certificates from this Commission. CHROMALLOY finally controls FMS TRANSPORTATION, INC., a contract carrier operating pursuant to a permit issued in MC 139206. FMS TRANSPORTATION, INC., is authorized to operate in all the States in the United States (except Alaska and Hawaii). Application has not been filed for temporary authority under section 210a(b).

No. MC-F-13182. Authority sought for purchase by NEWMAN BROS. TRUCKING COMPANY, 6559 Midway Road, Fort Worth, TX 76118, of the operating rights of E. M. KELLER & CO, INC., P.O. Box 2357, Pampa, TX 79065, and for acquisition by R. E. NEWMAN, B. D. NEWMAN, C. R. NEWMAN, and J. H. NEWMAN, of Forth Worth, TX 76118, of control of such rights through the purchase. Applicants' attorney: Clayte Binion, 1108 Continental Life Building, Fort Worth, TX 76102. Operating rights sought to be purchased: *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products; *machinery, materials, equipment, and supplies* used in or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, except the stringing or picking up of pipe in connection with main or trunk pipe lines; and *heavy machinery and heavy or cumbersome commodities*, which because of size or weight, require the use of special equipment, and *parts thereof*, as a

common carrier over *irregular routes* between points in that part of Texas west of a line beginning at the Texas-Oklahoma state line and extending along U.S. Highway 81 to Fort Worth, Texas and north of a line beginning at Fort Worth and extending along U.S. Highway 80 to El Paso, Tex., including points on the indicated portions of the highways specified; Between points in Texas north of a line beginning at the Texas-New Mexico State line and extending along the southern boundaries of Parmer, Castro, Swisher, Briscoe, Hall, and Childress Counties, Tex., to junction of Hardeman County line, to the Texas-Oklahoma State line, on the one hand, and, on the other, points in New Mexico, Oklahoma, and Kansas; *Machinery, equipment, materials, and supplies* used in or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, except the stringing or picking up of pipe in connection with main or trunk pipelines; between points in New Mexico; *Machinery, equipment, materials, and supplies* used in or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products, and machinery, materials, equipment, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, except the stringing or picking up of pipe in connection with main or trunk pipelines, between points in Kansas; Between points in Kansas, on the one hand, and, on the other, points in Oklahoma, Colorado, and Wyoming;

Machinery, equipment, materials, and supplies used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and byproducts, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way, Between points in that part of Texas west and north of a line beginning at the Texas-Oklahoma State line and extending along U.S. Highway 81 to Fort Worth, Tex., thence along U.S. Highway 80 to El Paso, Tex., including points on the indicated portions of the highways specified; Between points in Texas north of a line beginning at the Texas-New Mexico State line and extending along the southern boundaries of Parmer, Castro, Swisher, Briscoe, Hall, and Childress Counties, Tex., to junction of Hardeman County line, thence west of a line extending along the Childress-Hardeman County line to the Texas-Oklahoma State line on the one hand, and, on the other, points in New Mexico, Oklahoma, and Kansas; Between Ulysses, Kans., on the one hand, and, on the other, points in Oklahoma, Colorado, and Wyoming; Between points in Texas and Oklahoma; Machinery, equipment, materials and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmisison, and distribution of natural gas and petroleum and their products and by-products; and machinery, materials, equipment and supplies used in or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, except in connection with main or trunk pipe lines, Between points in Texas and Oklahoma. The authority granted herein to the extent that it duplicates any authority heretofore granted to or now held by carrier shall not be construed as conferring more than one operating right. Vendee is authorized to operate as a common carrier in Texas, Oklahoma, Kansas, New Mexico, Colorado Wyoming, and Nebraska. Application has been filed for temporary authority under section 210a(b).

NOTE.—No. MC 120761 Sub-No. 20 is a directly related matter.

No. MC–F–13183. Authority sought for purchase by P. CALLAHAN, INC., 5340 Comly Street, Philadelphia, PA., 19135, of a portion of the operating rights of LLOSE BROS., INC. 126 E. Third Street, P.O. Box 69, Chester, PA., 19013, and for acquisition by PATRICK W. CALLAHAN, 5340 Comly Street, Philadelphia, PA., 19135, of control of such rights through the purchase. Applicants' attorney: Maxwell A. Howell, 1100 Investment Building, 1511 K Street, N.W., Washington, D.C., 20005. Operating rights sought to be transferred: Such commodities as are dealt in by retail department stores and mail-order houses, as a common carrier over irregular routes between Chester, Pa., on the one hand, and, on the other Baltimore, Md., and the District of Columbia, Vendee is authorized to operate as a common carrier in Pennsylvania, New Jersey, New York, Maryland, Massachusetts, Rhode Island, New Hampshire, Connecticut, and Delaware, and as a contract carrier in Pennylvania, Delaware, New Jersey, Maryland, New York, Virginia, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

NOTE.—MC 20984 (Sub-No. 23) is a directly related matter.

No. MC–F–13184. Authority sought for purchase by WALSH TRUCKING SERVICE, INC., 50 Burney Avenue, Massena, N.Y., 13662, of a portion of the operating rights of ONEIDA MOTOR FREIGHT, INC., Commercial Avenue, Carlstadt, N.J., and for acquisition by FRANCIS E. WALSH, 50 Burney Avenue, Massena, N.Y., of control of such rights through the purchase. Applicants' attorneys: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048, and William Biederman, 371 7th Avenue, New York, N.Y. 10001. Operating rights sought to be transferred: General commodities, with exceptions as a common carrier over regular routes between New York, N.Y., and Albany, N.Y., serving no intermediate points: From New York over U.S. Highway 9 to Albany, and return over the same route. From New York over U.S. Highway 9W to Albany, and return over the same route. Service is authorized to and from the off-route points of Chadwicks, Rome, Troy, Albion, Noneoye Falls, Mount Morris, Medina, and Phelps, N.Y., points in the New York, N.Y., Commercial Zone, as defined by the Commission in 1 M.C.C. 665, and points within 12 miles of Jersey City, N.J. Vendee is authorized to operate as a common carrier in Connecticut, Delaware, the District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and Virginia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–13186. Authority sought for purchase by LEE WAY MOTOR FREIGHT, INC., 3000 West Reno, Oklahoma City, OK., 73108, of the operating rights of R.M.D., Inc., 344 Dublin Ave., Columbus, OH., 43215, and for acquisition by Pepsico, Inc., Anderson Hill Rd., Purchase, N.Y., 10577, of control of such rights through the purchase. Applicants' attorneys: Richard H. Champlin, P.O. Box 82488, Oklahoma City, OK., 73108, and John P. McMahon, 100 East Broad Street, Columbus, OH., 43215. Operating rights sought to be transferred: Under a certificate of registration in Docket No. MC–96823 (Sub-No. 1), covering the transportation of property, as a common carrier, in intrastate commerce, within the State of Ohio. Vendee is authorized to operate as a common carrier in Alabama, Arizona, Arkansas, California, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Minnesota, Missouri, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and West Virginia. Application has been filed for temporary authority under section 210a(b).

NOTE.—MC–61440 (Sub-No. 159) is a directly related matter.

No. MC–F–13187. Authority sought for control by KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Waterloo, IA., 50702, of A.C.E. Freight, Inc. through acquisition of stock of Fleetwood Investment Company, 192 Beal Drive, Pittsburgh, PA., 15301, and for acquisition by Allen E. Kroblin, also of Waterloo, IA., 50702, of control of A.C.E. Freight, Inc. through the acquisition by Allen E. Kroblin. Applicants' attorney and representatives: Bowes, Milner, Rogers & Liberstein, 176 Fairfield Rd., Fairfield, N.J., 07006, Allen E. Kroblin, 2125 Commercial St., P.O. Box 5000, Waterloo, IA., 50702, and Wernert J. Pitterich, 192 Beal Drive, Pittsburgh, PA., 15301. Operating rights sought to be controlled: General commodities, with certain specified exceptions, and various other specified commodities, as a common carrier, over regular and irregular routes, from, to, and between specified points in the States of Illinois, Ohio, Indiana, Iowa, Massachusetts, New York, New Jersey, Connecticut, Rhode Island, and Pennsylvania, with certain restrictions, serving various intermediate and

off-route points, over two alternate routes for operating convenience only, as more specifically described in Docket No. MC 30311 and Sub numbers thereunder. This does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety, thereof. Vendee is authorized to operate as a common carrier in all the continental United States. Application has been filed for temporary authority under section 210a(b).

No. MC-F-13188. Authority sought for purchase by RYDER TRUCK LINES, INC., 2050 Kings Road, Jacksonville, FL., 32203, of a portion of the operating rights of Kirby & Kirby, Inc., George Minish, receiver, 239 Main Street, West Orange, N.J., 07052, and for acquisition by IU Transportation Services, Inc., which in turn is controlled by IU International Corporation, both of The Wilmington Tower, 1105 N. Market St., Wilmington, DE., 19801, of control of such rights through the purchase. Applicants' attorneys: Roland Rice, 501 Perpetual Bldg., 1111 "E" St., N.W., Washington, D.C. 20004, H. Beatty Chadwick, 1500 Walnut St., Philadelphia, PA., 19102, and John Tynan, P.O. Box 1409, 167 Fairfield Road, Fairfield, N.J., 07006, and Howard M. Cohen, 225 Millburn Avenue, Millburn, N.J., 07041. Operating rights sought to be transferred: *General commodities*, with exceptions as a *common carrier* over regular routes between Wilmington, Delaware, and Camden, New Jersey, serving all intermediate points except those on U.S. Highway 40; between Wilmington over unnumbered highway to junction U.S. Highway 40, thence over U.S. Highway 40 via the Delaware Memorial Bridge to junction U.S. Highway 130, thence over U.S. Highway 130 to junction unnumbered highway south of Gibbstown, N.J., thence over unnumbered highway to junction U.S. Highway 130, and thence over U.S. Highway 130 to Camden, and return over the same route. Serving all offroute points in New Castle County, Delaware. Vendee is authorized to operate as a *common carrier* in all the States in the United States (except Alaska and Hawaii). Application has been filed for temporary authority under section 210a(b).

No. MC-F-13189. Authority sought for purchase by WILMAR TRUCKING, INC. (non-carrier) as assignee of Wil-Ford Incorporated, 167 Fairfield Avenue, Fairfield, N.J. 07006 of the operating rights of Kirby & Kirby, Inc., George Minish, receiver in bankruptcy, 239 Maine Street, West Orange, N.J. 07052, and for acquisition by Wil-Ford, Incorporated and William J. Ford, both of Hollow Road, R.D. No. 1, P.O. Box 486, Phoenixville, Pennsylvania 19460, of control of such rights through the purchase. Applicant's attorneys: John P. Tynan and A. David Millner, P.O. Box 1409, Fairfield, N.J. 07006, and Harold M. Cohen, 225 Millburn Avenue, Millburn, N.J. 07041. Operating rights sought to be transferred: General commodities, with exceptions as a common carrier over regular routes. (1) Between New York, N.Y., and Philadelphia, PA., serving all intermediate points, as follows: from New York over U.S. Highway 1 to Philadelphia, and return over the same route. From New York to Jersey City, N.J., via ferry or Holland Tunnel, thence over Business and Truck U.S. Highway 1 to Newark, N.J., thence over New Jersey Highway 27 to Princeton, N.J., thence over U.S. Highway 206 to Trenton, N.J., thence across the Delaware River to Morrisville, Pa., and thence over U.S. Highway 13 to Philadelphia, and return over the same route. From New York to Trenton, N.J., over the above-described routes, thence over U.S. Highway 206 to junction U.S. Highway 130, thence over U.S. Highway 130 to Camden, N.J., and thence across the Delaware River to Philadelphia, and return over the same route. From New York to Trenton over the above-described routes, thence over U.S. Highway 206 to junction U.S. Highway 30, thence over U.S. Highway 30 to Atlantic City, thence over U.S. Highway 40 to McKee City, N.J., thence over U.S. Highway 322 to junction New Jersey Highway 42 near Williamstown, N.J., thence over New Jersey Highway 42 to Camden, N.J., and thence across the Delaware River to Philadelphia, and return over the same route. From New York to Atlantic City over the above-described routes, and thence over U.S. Highway 30 to Philadelphia, and return over the same route. (2) Between Wilmington, Del., and Camden, N.J., serving all intermediate points except those on U.S. Highway 40. (3) Between Wilmington, Del., and Philadelphia, Pa., serving all intermediate points. (4) Between Trenton, N.J., and points Pleasant, N.J., serving all intermediate points. (5) Between New York, N.Y., and Waterbury, Conn., serving all intermediate points. (6) Between Atlantic City, N.J., and Wildwood, N.J., serving all intermediate points. (7) Between Trenton, N.J., and Frenchtown, N.J., serving all intermediate points.

(8) Serving the off-route points of Matawan and Pennsville, N.J., Kennett Square and West Chester, Pa., points in New York and New Jersey within 25 miles of Columbus Circle, New York, N.Y.; points in New Jersey and Pennsylvania within 20 miles of Trenton, N.J., and 20 miles of City Hall, Philadelphia, Pa.; points in New Jersey within ten miles of New Brunswick, Hammonton, and Atlantic City, N.J.; and points in New Castle County, Del. (9) Sugar invert, in bulk, in tank vehicles, from Philadelphia, Pa., to Bordentown, N.J., serving no intermediate points and serving the junction of New Jersey Highway 73 and U.S. Highway 130 only for the purpose of joining the route described and the alternate route described immediately below: from Philadelphia over carrier's authorized routes to Bordentown, and return over the same route. From Philadelphia, Pa., to junction New Jersey Highway 130 as an alternate route for operating convenience only, in connection with the route described immediately above, serving no intermediate points and serving the described junction of New Jersey Highway 73 and U.S. Highway 130 only for the purpose of joining the route described and the regular route described immediately above. From Philadelphia across the Delaware River to junction New Jersey Highway 73, and thence over New Jersey Highway 73 to junction U.S. Highway 130, and return over the same route. (10) Potatoes, in truckload lots, as a common carrier over irregular routes from points in Mercer, Monmouth and Middlesex Counties, N.J., within 20 miles of Hightstown, N.J., to Yonkers and White Plains, and New York, N.Y., Philadelphia, Pa., and Newark and Camden, N.J., with no transportation for compensation on return except as otherwise authorized. (11) Lithopone, in packages, from Newport and Edge Moor, Del., to Peekskill, N.Y., with no transportation for compensation on return except as otherwise authorized. (12) Iron or steel products and wire rope and cable, from Trenton, N.J., to points in Pennsylvania, with no transportation for compensation on return except as otherwise authorized. (13) Liquid sugar, corn syrup, and blends thereof, in bulk, in tank vehicles, from Philadelphia, Pa., to Bordentown, N.J., with no transportation for compensation on return except as otherwise authorized. Wilmar Trucking, Inc., holds no authority from this Commission. However, it is a wholly owned subsidiary of Wil-Ford Incorporated. Wil-Ford Incorporated is wholly owned by William J. Ford, who also controls De-Pen, Inc. De-Pen, Inc., is authorized to operate as a common carrier in the States of Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

NOTE.—MC-F-13188 is a directly related matter.

NOTICE

The Richmond, Fredericksburg and Potomac Railroad Company (RF&P), 2134 W. Laburnum Avenue, P.O. Box 11281, Richmond, Virginia, represented by Mr. Urchie B. Ellis, Attorney, The Richmond, Fredericksburg and Potomac Railroad Company, P.O. Box 11281, Richmond, Virginia 23230, hereby give notice that on the 11th day of April, 1977, it filed with the Interstate Commerce Commission at Washington, D.C., an application under Section 5(2) of the Interstate Commerce Act for an order approving and authorizing the acquisition of trackage rights over the line of railroad of The Chesapeake and Ohio Railway Company (C&O), which application is assigned Finance Docket No. 28419.

The nature of the proposed transaction is the acquisition of trackage rights by RF&P over approximately 4.82 miles of main line of C&O. The C&O line of railroad over which RF&P requests approval and authorization of trackage rights extends between Doswell, Virginia, and Bear Island, Virginia, a total distance of approximately 4.82 miles, all in Hanover

County, Virginia. There are no comparable operations as the proposed trackage rights are to permit RF&P to serve a prospective new industrial area on property owned by RF&P and its subsidiary land company.

In the opinion of the applicant, the granting of the authority sought will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. In accordance with the Commission's regulations (49 C.F.R. 1108.8) in Ex Parte No. 55 (Sub-No. 4), Implementation—National Environmental Policy Act, 1969, 352 I.C.C. 451 (1976), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall indicate with specific data the exact nature and degree of the anticipated impact. See Implementation—National Environmental Policy Act, 1969, supra, at p. 487.

Interested persons may participate formally in a proceeding by submitting written comments regarding the application. Such submissions shall indicate the proceeding designation Finance Docket No. 28419 and the original and two copies thereof shall be filed with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, not later than 45 days after the date notice of the filing of the application is published in the FEDERAL REGISTER. Such written comments shall include the following: the person's position, e.g., party protestant or party in support, regarding the proposed transaction; specific reasons why approval would or would not be in the public interest; and a request for oral hearing if one is desired. Additionally, interested persons who do not intend to formally participate in a proceeding but who desire to comment thereon, may file such statements and information as they may desire, subject to the filing and service requirements specified herein. Persons submitting written comments to the Commission shall, at the same time, serve copies of such written comments upon the applicant, the Secretary of Transportation and the Attorney General.

THE RICHMOND, FREDERICKSBURG AND POTOMAC RAILROAD COMPANY

NOTICE

W. Guy McKenzie, Sr., 122 Appleyard Drive, P.O. Box 1200, Tallahassee, Leon County, Florida 32302, represented by Dan R. Schwartz, Schwartz & Bolinger, 1729 Gulf Life Tower, Jacksonville, Florida 32207, hereby give notice that on the 21st day of March, 1977, it filed with the Interstate Commerce Commission at Washington, D.C., an application under Section 5(2) of the Interstate Commerce Act for an order approving and authorizing the control of Southern Terminal and Transport Company (Southern), which application is assigned Finance Docket No. 28446.

Southern Terminal and Transport Company has an application pending before the Commission in Docket No. W-1304 in which it is proposed to have issued to it authority as a common carrier by water, to transport petroleum products, in containers, between Mobile, Ala., and Pensacola, Port St. Joe and St. Marks, Fla., providing, among other requirements, the person or persons engaged in the common control or management of Southern Terminal and Transport Company and any other carrier operating in interstate or foreign commerce apply for approval thereof under Section 5(2) of the Interstate Commerce Act. W. Guy McKenzie, Sr. is lawfully in control of M. R. & R. Trucking Company and McKenzie Tank Lines, Inc. by reason of the Commission's order of January 2, 1973, entered in Docket No. MC-F-5239. M. R. & R. Trucking Company is a regular-route, general commodities (with the usual exceptions) common carrier by motor vehicle over routes in Alabama, Florida, and Georgia. McKenzie Tank Lines, Inc. is a carrier engaged in the transportation of commodities in bulk in the States of Alabama, Florida, and Georgia, and other states of the United States. T. L. McKenzie and J. H. Kennedy are directors and officers of Southern Terminal and Transport Company and McKenzie Tank Lines, Inc.

Application for temporary authority has not been filed under Section 311(b).

In the opinion of the applicant, the granting of the authority sought will not constitute a major Federal Action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. In accordance with the Commission's regulations (49 C.F.R. 1108.8) in Ex Parte No. 55 (Sub-No. 4), Implementation—National Environmental Policy Act, 1969, 352 I.C.C. 451 (1976), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall indicate with specific data the exact nature and degree of the anticipated impact. See Implementation—National Environmental Policy Act, 1969, supra, at p. 487.

Interested persons may participate formally in a proceeding by submitting written comments regarding the application. Such submissions shall indicate the proceeding designation Finance Docket No. 28446 and the original and two copies thereof shall be filed with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, not later than 45 days after the date notice of the filing of the application is published in the Federal Register. Such written comments shall include the following: the person's position, e.g., party protestant or party in support, regarding the proposed transaction; specific reasons why approval would or would not be in the public interest; and a request for oral hearing if one is desired. Additionally, interested persons who do not intend to formally participate in a proceeding but who desire to comment thereon, may file such statements and information as they may desire, subject to the filing and service requirements specified herein. Persons submitting written comments to the Commission shall, at the same time, serve copies of such written comments upon the applicant, the Secretary of Transportation and the Attorney General.

OPERATING RIGHTS APPLICATION(S) DIRECTLY RELATED TO FINANCE PROCEEDINGS

The following operating rights application(s) are filed in connection with pending finance applications under Section 5(2) of the Interstate Commerce Act, or seek tacking and/or gateway elimination in connection with transfer applications under Section 212(b) of the Interstate Commerce Act.

An original and two copies of protests to the granting of the authorities must be filed with the Commission on or before May 23, 1977. Such protests shall comply with Special Rule 247(d) of the Commission's General Rules of Practice (49 CFR 1100.247) and include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon applicant's representative, or applicant if no representative is named.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 66512 (Sub-No. 9), filed March 17, 1977. Applicant: P & G MOTOR FREIGHT, INCORPORATED, 450 Burnham Street, South Windsor, Conn. 06074. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Massachusetts.

NOTE.—The purpose of this filing is to convert a Certificate of Registration to a Certificate of Public Convenience and Necessity. This matter is directly related to a Section 5(2) finance proceeding in No. MC-F-13170, published in the FEDERAL REGISTER issue of March 31, 1977. If a hearing is deemed necessary, the applicant requests it be held at Boston, Mass.

No. MC 121540 (Sub-No. 4), filed March 10, 1977. Applicant: EAST NEBRASKA MOTOR FREIGHT, INC., 723 S. 12th Street, Omaha, Nebr. 68102. Applicant's representative: Earl H. Scudder, Jr., P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (A) Regular routes: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission commodities in bulk, and those requiring special equipment), Between Omaha, Nebr. and Utica, Nebr., serving the off-route points of Lin-

coln, Milfold, Beaver Crossing and Goehner, Nebr.: (1) From Omaha over U.S. Highway 6 to junction unumbered highway, 3 miles west of Milford, thence over unnumbered highway to junction U.S. Highway 34, thence over U.S. Highway 34 to Utica, and return over the same route; and (2) From Omaha over U.S. Highway 6 to junction Nebraska Highway 2, thence over Nebraska Highway 2 to Utica, and return over the same route, restricted against service to Iowa within the Omaha, Nebr., Commercial Zone, as defined by the Commission. (B) Irregular routes: *General Commodities* (except house trailers, mobile homes and prefabricated buildings by truckaway service), (1) between points in Lancaster, Saline, Seward, Saunders, Cass, Otoe Counties, Nebr.; and (2) between points in said counties in (1) above, on the one hand, and, on the other, points in Nebraska.

NOTE.—The purpose of this application is to convert a Certificate of Registration to a Certificate of Public Convenience and Necessity. This matter is directly related to a Section 5(2) finance proceeding in MC–F–13153, published in the FEDERAL REGISTER issue of March 24, 1977. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Phoenix, Ariz.

MOTOR CARRIER ALTERNATE ROUTE DEVIATIONS

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation Rules—Motor Carrier of Property (49 CFR 1042.4 (c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed on or before May 23, 1977.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its request.

MOTOR CARRIERS OF PROPERTY

No. MC 30605 (Deviation No. 27), THE SANTA FE TRAIL TRANSPORTATION COMPANY, 433 E. Waterman St., P.O. Box 56, Wichita, Kans. 67201, filed April 11, 1977. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Kansas City, Kans., Mo., over U.S. Highway 69 to junction U.S. Highway 75, thence over U.S. Highway 75 to Dallas, Tex., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Kansas City, Kans., over U.S. Highway 50 to junction U.S. Highway 169, thence over U.S. Highway 169 to junction U.S. Highway 75, thence over U.S. Highway 75 to Tulsa, Okla., thence over U.S. Highway 66 to Oklahoma City, Okla., thence over U.S. Highway 77 to Dallas, Tex., and return over the same route.

MOTOR CARRIER ALTERNATE ROUTE DEVIATIONS

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation Rules—Motor Carrier of Passengers (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed on or before May 23, 1977.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its request.

MOTER CARRIERS OF PASSENGERS

MOTOR CARRIER INTRASTATE APPLICATION(S)

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 206(a)(6) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's *General Rules of Practice* (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

Kansas Docket No. 53, 225 M Route No. 4611, filed April 12, 1977. Applicant: TRANS STATE BUS, INC., R.R. 1, Highway 156, N.E. Trail St., Larned, Kans. 67550. Applicant's representative: Franklin Corrick, 3301 Van Buren Street, Topeka, Kans. 66611. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *Passengers, their baggage, light express and newspapers*, from Dodge City, Kans., southwest on U.S. Highway 56 to its junction with Kansas Highway 190 at or near Satanta, then northwest on Kansas Highway 190 to its junction with U.S. Highway 160, then west on U.S. Highway 160 to its junction with U.S. Highway 270 at or near Ulysses, then south on U.S. Highway 270 to Hugoton, then east on U.S. Highway 270 to its junction with U.S. Highway 83, then south on U.S. Highways 83 and 270 to Liberal, then return over the same route to Dodge City, Kans. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place set for June 1, 1977 at 10 a.m. on Wednesday at the State Office Building, 4th Floor, Topeka, Kans. Requests for procedural information should be addressed to the Kansas State Corporation Commission, State Office Building, Topeka, Kans. 66612 and should not be directed to the Interstate Commerce Commission.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-11483 Filed 4-20-77;8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

CONTENTS

	Item
Civil Rights Commission	8
Federal Communications Commission	3
Federal Reserve System	5
Federal Trade Commission	6, 7
Indian Claims Commission	12
International Trade Commission	1
National Railroad Passenger Corporation	14
National Transportation Safety Board	2
Nuclear Regulatory Commission	13
Postal Rate Commission	4
Securities and Exchange Commission	9, 10
United States Railway Association	11

1

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: 9:30 a.m., April 28, 1977.

PLACE: Hearing Room, 701 E Street, NW., Washington, D.C. 20436.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to the public:

1. Agenda;
2. Minutes;
3. Status report and pending motions: a. Investigation 603-TA-1 (Color Television Receivers); b. Investigation 337-TA-23 (Color Television Receivers); c. Investigation 337-TA-30 (Stainless Steel Pipe and Tube);
4. Zero-base budgeting—see memorandum from the Acting Director of Administration, dated April 6, 1977;
5. Review of status of Policy Manual;
6. Petitions and complaints: a. Parts for paving equipment (Docket No. 442) (if action by the Commission is needed);
7. Items left over from previous agenda.
8. Reorganization.

Portions closed to the public:

9. Reorganization (portions respecting the selection of personnel).

CONTACT PERSON FOR MORE INFORMATION:

Kenneth R. Mason, Secretary 202-523-0161.

[S-192-77 Filed 4-19-77;9:23 am]

2

AGENCY HOLDING THE MEETING: National Transportation Safety Board.

TIME AND DATE: 9:30 a.m., Thursday, April 28, 1977 [NM-77-6].

PLACE: Conference Rooms 8A, B, and C, National Transportation Safety Board, 800 Independence Avenue, SW., Washington, D.C. 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED: (1) *Aircraft Accident Report.* Midair Collision between Ruel Insurance Corporation, Cessna 414, N8PR, and USAF F4E, 67-0255, Near Brighton, Florida, September 13, 1976. (2) *Recommendation.* To FAA re Standardization of Cattle Pens and Methods of Restraining Cattle Movement. (3) *Pipeline Accident Report.* UGI Corporation, Explosions and Fires, Allentown, Pennsylvania, August 8, 1976, and Recommendation to the President, UGI.

CONTACT PERSON FOR MORE INFORMATION:

Sharon Flemming, 202-755-4930.

[S-193-77 Filed 4-19-77;8:23 am]

3

AGENCY HOLDING THE MEETING: Federal Communications Commission.

TIME AND DATE: 2 p.m., Thursday, April 28, 1977.

PLACE: Room 856, 1919 M Street, NW., Washington, D.C.

STATUS: Closed Commission Meeting.

MATTERS TO BE CONSIDERED:

Agenda, Item No., and Subject

General—1—Allocation Proposals for 470-806 MHz Band.

General—2—Fourth Notice of Inquiry relative to preparation for a General World Administrative Radio Conference.

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, Jr., FCC Public Information Officer, telephone number, 202-632-7260.

Issued: April 15, 1977.

[S-194-77 Filed 4-19-77;9:23 am]

4

AGENCY HOLDING THE MEETING: Postal Rate Commission.

CHANGE OF MEETING SUBJECT MATTER

APRIL 15, 1977.

The following item is added to the agenda of the Commission's closed meeting of April 21, 1977, upon the affirmative vote of Chairman DuPont, Vice Chairman Villarreal, and Commissioner Saponaro:

4. Discussion of internal personnel practices (appointment of OOC.)

This subject qualifies for a closed meeting pursuant to 5 U.S.C. 552b (c) (2).

DAVID F. HARRIS,
Secretary.

[S-195-77 Filed 4-19-77;9:23 am]

5

AGENCY HOLDING THE MEETING: Federal Reserve System.

ADDITION OF PREVIOUSLY ANNOUNCED AGENDA ITEM

The Board of Governors has previously announced a meeting to be held on Friday, April 22, 1977, which will be closed to public observation under exemption(s) of the Government in the Sunshine Act (5 U.S.C. 552b(c)). One of the items announced for inclusion at that meeting was consideration of any agenda items carried forward from a previous meeting. The purpose of this announcement is to inform the public that the following such item, postponed from April 13, 1977, will be considered at this meeting:

A major equipment purchase by a Federal Reserve Bank.

The previously announced closed items are:

1. Request by the Federal Reserve Bank of New York for Board approval of plans to engage the services of an architectural/engineering firm to prepare final construction documents for a mechanical and electrical modifications program in the existing main bank building.
2. Any agenda items carried forward from a previously announced closed meeting.

The meeting will be held at 10 a.m. in the Board's offices at 20th Street and Constitution Avenue, NW., Washington, D.C. Information may be obtained from Mr. Joseph R. Coyne, Assistant to the Board, at 202-452-3204.

Board of Governors of the Federal Reserve System, April 18, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[S-196-77 Filed 4-19-77;9:23 am]

6

AGENCY HOLDING THE MEETING: Federal Trade Commission.

TIME AND DATE: 10 a.m., Tuesday, April 26, 1977.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Penn-

sylvania Avenue, NW., Washington, D.C. 20580.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Nonadjudicative Matters:

(1) Approval of Minutes of Nonadjudicative Matters Considered at Meeting of April 19, 1977

(2) Consideration of Institution of Disciplinary Proceedings against an attorney practicing before the Commission

(3) The May Department Stores Company, Docket No. C-1105: Consideration of Respondent's Compliance with Commission's Final Order

(4) Consideration of Proposed Resolution Authorizing Compulsory Process in (Nonpublic) Part II Matter

(5) Consideration of Issuance of Proposed Complaint in a (Nonpublic) Part II Matter

(6) Consideration of Issuance of Proposed Complaint in a (Nonpublic) Part II Matter

Adjudicative Matters Under Part 3 of the Rules of Practice:

(1) Approval of Minutes of Adjudicative Matters Considered at Meeting of April 19, 1977

(2) The American Medical Association, et al., Docket No. 9064: Consideration of Respondents' Motions to Dismiss the Complaint

CONTACT PERSON FOR MORE INFORMATION:

Leonard J. McEnnis, Jr., Office of Public Information: 202-523-3830; Recorded Message: 202-523-3806.

[S-197-77 Filed 4-19-77;9:23 am]

7

AGENCY HOLDING THE MEETING: Federal Trade Commission.

TIME AND DATE: 10 a.m., Wednesday, April 27, 1977.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue, NW., Washington, D.C. 20580.

STATUS: Open.

MATTERS TO BE CONSIDERED: (1) Consideration of Possible Rulemaking and Proposed Resolution Authorizing Compulsory Process in State Milk Price Regulation, P61 0005/File No. 771 0038. (2) Report from General Counsel on Congressional Matters.

CONTACT PERSON FOR MORE INFORMATION:

Leonard J. McEnnis, Jr., Office of Public Information: 202-523-3830; Recorded Message: 202-523-3806.

[S-198-77 Filed 4-19-77;9:23 am]

8

AGENCY HOLDING THE MEETING: U.S. Commission on Civil Rights.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 19983, April 15, 1977.

DATE AND TIME: April 19, 1977; 8 a.m. to conclusion.

PLACE: Room 600, 1121 Vermont Avenue, NW., Washington, D.C.

CHANGES IN THE MEETING: On April 18, 1977, the Commissioners unanimously voted to add a new item to the agenda of the closed portion of the meeting to be held on April 19, 1977. This item is: (5) Discussion of the subpenas to be issued for the purposes of the hearing in Memphis, Tennessee, on May 9-10, 1977.

CONTACT PERSON FOR FURTHER INFORMATION:

Barbara Brooks, Public Affairs Unit, 202-254-6697.

[S-199-77 Filed 4-19-77;10:16 am]

9

AGENCY HOLDING THE MEETING: Securities and Exchange Commission.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 17580-3, April 1, 1977.

PREVIOUSLY ANNOUNCED TIME AND DATES OF MEETINGS: 10 A.M. April 19, 20, 21, 27, 28, 1977.

CHANGES IN THE MEETINGS:

1. April 19—Delete Item 5—Report of Investigation—Staff requires additional time to review the report.

2. April 20—Item 4—Proposed amendments to Rule 19b-4 under the Exchange Act. Because of the need for staff consideration of recently received comments on this subject it has been removed from the agenda.

3. April 21—Additional item in Open Meeting—Proposed rule changes of the National Securities Clearing Corporation ("NSCC") (i) regarding clearance of debt securities listed on the American Stock Exchange, Inc. and (ii) amending the definition and functions of a Special Representation of the Stock Clearing Corporation Division of NSCC. The staff consideration of public comment on these matters has recently been completed and the deadline for Commission action is April 21.

4. April 21—Additional item in closed meeting to be held to consider emergency matters: Formal Order of Investigation.

5. April 27—Delete Item 3—H.R. 6, a recodification of the Bankruptcy Act. The Congressional meeting on this subject, which would be discussed in the proposed memorandum, has been postponed from April to May.

6. April 28—The time of the meeting is changed from 10 a.m. to 2:30 p.m.

7. April 28—Delete Item 5—Proposed amendments to Rule 10b-4—Additional staff consideration required.

8. April 28—Delete Item 6—Proposed rule change of the American Stock Exchange, Inc. to establish alternative criteria for original listing of stocks. Staff review of recently received public comments required.

9. April 28—Delete Item 10—Amendments to Form U-4. Additional time needed by staff to coordinate positions of State, self regulatory and industry representatives.

Chairman Williams, Commissioners Loomis, Evans and Pollack voted to approve the above changes.

Dated: April 18, 1977.

GEORGE A. FITZSIMMONS,
Secretary.

[S-200-77 Filed 4-19-77;10:44 am]

10

AGENCY HOLDING MEETINGS: Securities and Exchange Commission.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 17580-3, April 1, 1977.

CHANGES IN MEETING TIME: The closed meeting of April 26, 1977, previously scheduled for 10 a.m., will be held instead from 2:30 to 4:30 p.m.

Dated: April 12, 1977.

GEORGE A. FITZSIMMONS,
Secretary.

[S-201-77 Filed 4-19-77;10:44 am]

11

AGENCY HOLDING THE MEETING: United States Railway Association.

TIME AND DATE: 1 p.m., April 29, 1977.

PLACE: Board Room, Room 2200, Trans Point Building, 2100 Second Street, S.W., Washington, D.C.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions closed to the public (1 p.m.)

1. Review of Conrail, Delaware & Hudson Railway Company, and Missouri-Kansas-Texas Railroad Company proprietary and financial information for monitoring and investment purposes.

2. Litigation Report.

Portions open to the Public (1:30 p.m.)

3. Approval of Conrail Drawdown request for May.

4. Consideration of Conrail Section 211 (h) loan request.

5. Report on Conrail monitoring.

6. Litigation Status Report.

7. Report on GAO audit.

CONTACT PERSON FOR MORE INFORMATION:

Alex Bilanow, 202-426-4230.

[S-202-77 Filed 4-19-77;10:44 am]

12

AGENCY HOLDING THE MEETING: Indian Claims Commission.

CHANGE OF MEETING SUBJECT MATTER: The following item is added to the open Commission meeting of April 27, 1977:

Docket 60-A, Makah.

DAVID H. BIGELOW,
Executive Director.

APRIL 18, 1977.

[S-203-77 Filed 4-19-77;10:56 am]

13

AGENCY HOLDING THE MEETING: Nuclear Regulatory Commission.

TIME AND DATE: Monday, April 25 and Tuesday, April 26, 1977.

PLACE: Commissioners Conference Room, 1717 H St. NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Monday, April 25

10 a.m. Briefing on Comparative Health Effects of Coal and Nuclear.

11 a.m. Briefing on Provision for Protection of Employees Who Provide Information to NRC.

1:30 p.m. Briefing on Implementation Plans for Reactor Physical Protection Rule (new Part 73.55).

2:30 p.m. Licenses Fees.

Tuesday, April 26

10 a.m. Certiorari System for the Commission. Commission Review of Directors Denials of Enforcement Requests. Affirmation of Commission Action on Early Site Reviews. (The affirmation will consist of votes on matters previously reviewed individually by the Commissioners and is expected to take no more than five minutes.)

CONTACT PERSON FOR MORE INFORMATION:

Walter A. Magee, 202–634–1410.

WALTER MAGEE,
Chief, Operations Branch.

[S–204–77 Filed 4–19–77;11:26 am]

14

AGENCY HOLDING THE MEETING: National Railroad Passenger Corporation.

ADDITIONAL AGENDA ITEM FOR MEETING

In accordance with rule 4d. of Appendix A of the By-Laws of the National Railroad Passenger Corporation, notice is given that the following item will be added to the agenda for the Board of Directors meeting of April 22, 1977: 4A. (6) St. Louis Station Status.

Board members Besson, Downing, Head, Jacobs, Langdon, MacDonald, Quinn, and Reistrup determined by recorded vote that the business of the Corporation requires the change in subject matter by addition of the agenda item, and affirmed that no earlier announcement of the change was possible, and directed the issuance of this notice at the earliest practicable time. Board members Adams, Dunlop and Luna could not be reached for the vote.

The revised agenda to be discussed at the meeting follows:

AGENDA

NATIONAL RAILROAD PASSENGER CORPORATION

Meeting of the Board of Directors, April 22, 1977. (9:00) Closed Session: (1) Internal Personnel Matters. (9:30) Open Session: (2) Approval of Minutes of Regular Meeting of March 30, 1977. (3) Commitment Approval Requests.

77–82 Canton, Ohio—Construct New Station.

77–89 Refurbish North Philadelphia Station.

75–5–82 Right - of - Way Improvements-Northeast Corridor.

77–136 Acquisition of Ten New Diesel Electric Locomotives.

(4) Board Committee Reports.

A. Planning/Equipment: (1) Update on 30th Street Office Space Plan; (2) Update on LRC Trains; (3) Modification of Conventional Sleepers to Operate with Electric Heat and AMFLEET Equipment; (4) Route Criteria Task III; (5) Conversion of Ten Unserviceable E–8 Type Locomotives to Steam Generator Cars; and (6) St. Louis Station Status.

B. Northeast Corridor Improvement Project: (1) Status Report.

C. Track Policy: (1) Status Report.

5. President's Reports.

A. Operations: (1) National Operations; (2) Operations Support; (3) Northeast Corridor Operations.

B. Marketing.

C. Government Affairs.

D. Other: (1) Discussions with Representatives of Greyhound Bus Lines.

6. Financial Reports.

7. General Fare Increase.

8. New Business.

9. Adjournment.

Inquiries regarding the agenda for the April 22, 1977, Board meeting should be directed to the Corporate Secretary at 202–484–7679.

Dated: April 19, 1977.

ELYSE G. WANDER,
Corporate Secretary.

[S–211–77 Filed 4–19–77;2:52 pm]

federal register

THURSDAY, APRIL 21, 1977

PART II

FEDERAL ELECTION COMMISSION

■

ADVISORY OPINION REQUESTS

FEDERAL ELECTION COMMISSION

[Notice 1977-25, AOR 1977-17]

ADVISORY OPINION REQUESTS

Pursuant to 2 U.S.C. 437f(c) and the procedures reflected in Part 112 of the Commission's regulations, published on August 25, 1976 (41 FR 35954), Advisory Opinion Request 1977-17 has been made public at the Commission. Copies of AOR 1977-17 were made available on April 13, 1977. These copies of the advisory opinion request were made available for public inspection and purchase at the Federal Election Commission, Public Records Division, at 1325 K Street N.W., Washington, D.C. 20463.

Interested persons may submit written comments on any advisory opinion request within ten days after the date the request was made public at the Commission. These comments should be directed to the Office of the General Counsel, Advisory Opinion Section, at the Commission. Persons requiring additional time in which to respond to any advisory opinion requests will normally be granted such time upon written request to the Commission. All timely comments received by the Commission will be considered before the Commission issues an advisory opinion. Comments on pending requests should refer to the specific AOR number of the requests and statutory references should be to the United States Code citations rather than to the Public Law citations.

A description of the request recently made public as well as the identification of the requesting party follows hereafter:

AOR 1977-17: May the Commodity Futures Political Fund which is a separate segtegrated fund established by the Chicago Mercantile Exchange, a not-for-profit membership corporation, solicit contributions from noncorporate members of the Exchange as well as from "Commodity representatives" who are not formally members of the Exchange but are subject to its rules and have considerable interaction with Exchange members? Requested by James T. Malysiak, Counsel to the Commodity Futures Political Fund, Chicago, Illinois.

Dated: April 14, 1977.

VERNON W. THOMSON,
Chairman for the Federal Election Commission.

[FR Doc.77-11522 Filed 4-20-77;8:45 am]

federal register

THURSDAY, APRIL 21, 1977
PART III

DEPARTMENT OF TRANSPORTATION

Office of Pipeline Safety Operations

■

LIQUEFIED NATURAL GAS FACILITIES (LNG); FEDERAL SAFETY STANDARDS

Development of New Standards

DEPARTMENT OF TRANSPORTATION

Office of Pipeline Safety Operations

[49 CFR Part 193]

[Notice No. 77-4; Docket No. OPSO-46]

LNG FACILITIES; FEDERAL SAFETY STANDARDS

Development of New Standards

AGENCY: Materials Transportation Bureau, Office of Pipeline Safety Operations, DOT.

ACTION: Advance Notice of Proposed Rulemaking.

SUMMARY: This advance notice invites public participation at an early stage in the rulemaking process for adoption of new Federal safety standards for liquefied natural gas (LNG) facilities.

The need for comprehensive new Federal LNG safety standards is evident from the concern expressed by Congressional committees; the Federal Power Commission and other Federal, state, and local agencies; nongovernment organizations; representatives of industry; and the public in general over the adequacy of present standards to provide for public safety. The new standards would govern the design (including site selection), construction, operation, and maintenance of LNG facilities used in the transportation of natural gas by pipeline in or affecting interstate or foreign commerce.

DATE: Comments must be received by September 1, 1977.

ADDRESS: Send comments to: Director, Office of Pipeline Safety Operations, Department of Transportation, Trans Point Building, 2100 Second Street, SW., Washington, D.C. 20590.

All comments received will be available for inspection and copying at Docket Room 6500, Trans Point Building.

FOR FURTHER INFORMATION CONTACT:

Peggy Hammond, 202-426-0135.

SUPPLEMENTARY INFORMATION: The need for comprehensive new Federal LNG safety standards is evident from the concern expressed by Congressional committees; the Federal Power Commission and other Federal, state, and local agencies; nongovernment organizations; representatives of industry; and the public in general over the adequacy of present standards to provide for public safety. Their concern arises because of the seriousness of potential hazards from LNG facilities coupled with the anticipated increase of LNG facility construction to meet the nation's energy needs, the developing wide variations in the design of facilities, the huge sizes of LNG storage tanks, and the projected location of new LNG facilities near population centers, or areas of greatest energy demand.

The existing Federal safety standards governing LNG facilities used in the transportation of natural gas by pipeline are contained in 49 CFR Part 192. These standards were adopted by Amendment 192-10, issued on October 10, 1972 (37 FR 21638). The Amendment added § 192.12, adopting as the Federal LNG safety standards the National Fire Protection Association (NFPA) Standard 59A (1971 edition), as well as the other applicable requirements of Part 192. Subsequently, the 1972 edition of NFPA 59A was adopted (41 FR 13590).

In the preamble to Amendment 192-10, it was stated that the NFPA Standard was adopted only as an interim measure while permanent regulations specifically applicable to LNG facilities were being developed. This notice is a step in that developmental process. Although this notice is not a proposal to amend the present standards, it contains a comprehensive set of draft regulations which are intended to serve as a basis for public comment and participation in identification of LNG safety problems and the development of appropriate regulatory solutions to those problems, considering all reasonable alternatives. Comments to this notice should assure that if a new Part 193 is adopted, it is founded on a broad source of information.

It is also important to point out that concurrent with this proceeding the Coast Guard is developing regulations under the Ports and Waterways Safety Act of 1972 (33 USC 1221 et seq.) for the storage and handling of hazardous materials, including LNG, at ports. MTB and the Coast Guard are coordinating their regulatory activities in this area to preclude problems involving overlapping jurisdiction.

As further discussed hereafter, the draft regulations are based in part on NFPA 59A, but more importantly, they address serious safety problems respecting an LNG facility that MTB believes are not adequately resolved by the present standards. Foremost among these problems are: (1) Protection of persons and property near a facility from thermal radiation caused by ignition of a major spill of LNG, (2) protection of persons and property near a facility from dispersion and delayed ignition of a natural gas cloud emanating from a major spill of LNG, and (3) mitigation of the potential for a catastrophic spill of LNG. The draft regulations suggest that these problems may be resolved by imposing more stringent exclusion zone requirements and other plant design requirements, particularly with respect to storage tanks, impounding systems, and environmental forces. At the same time, the draft regulations would permit flexibility in design to reduce the size of an exclusion zone, for example by installation of a planned ignition system or increasing the height of impounding dikes.

Interested persons should also note that the draft regulations relate to safety problems involving hazardous fluids other than LNG which may be used or stored at an LNG facility.

MTB expects that comments to this notice may serve as a basis for a future notice of proposed rulemaking. Therefore, considered comments are strongly urged regarding those draft regulations which relate to the safety problems mentioned above since those problems involve highly technical fields and unresolved behavioral phenomena which are still being researched. All commenters should address safety, environmental, and economic issues, support their comments with rationale and documentation, and where appropriate propose alternative regulations that would provide for an adequate level of safety.

The new Part 193 would be adopted under the Natural Gas Pipeline Safety Act of 1968 (49 USC 1671 et seq.). The jurisdiction of that Act is limited, however, to LNG facilities which are used in connection with a system for pipeline transportation of natural gas to consumers. Thus, both the existing standards, and the contemplated Part 193 would not apply to facilities used exclusively in the transportation of natural gas or LNG by modes other than pipeline. For example, the standards would not apply to an LNG storage and transfer facility at a marine terminal used to transfer LNG between ships or barges and rail or motor carriers unless the facility were also connected with a system for pipeline transportation. While MTB believes that almost all existing and planned facilities involve the supply or delivery of natural gas by pipeline, as LNG facilities become more widespread, it may be necessary to enlarge the scope of the Federal regulations to cover facilities which are not related to the pipeline transportation of natural gas. Any future action that MTB may take with regard to such nonpipeline related LNG facilities would be under the authority of the Hazardous Materials Transportation Act (49 USC 1801 et seq.). Interested persons are encouraged to advise MTB on the need to regulate any nonpipeline transportation related LNG facilities which may now exist or are planned.

In 1974, the Department's Office of Pipeline Safety contracted for a study by Arthur D. Little, Inc. (ADL) to provide safety information on LNG facilities. The study included a comparative analysis of national, state, local, industrial, and professional society codes, standards, practices, and regulations relating to LNG facilities. The ADL report, made in December 1974, is titled "Technology and Current Practices for Processing, Transferring, and Storing Liquefied Natural Gas." Copies of the report (NTIS No. PB-241048) are available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151, telephone 703-557-4650, in paper for $7.75 and in microfiche for $3.

The ADL study provides useful information in developing safety regulations for LNG facilities. The study identified and analyzed many areas of public concern about the operation of LNG facilities. It also addressed many practices and functions where special precautions are needed to protect persons and property. Although now two years old, MTB believes that the results of the ADL study

are still valid because they are consistent with current information obtained from other sources. Therefore, MTB has adopted the ADL report as a basis for this regulatory action.

The ADL report found that NFPA 59A was the basis for practically all codes—national, state, and local—for LNG facilities that exist today and that it "is generally accepted as establishing the minimum requirements for design and construction of LNG facilities." In Section 2.2, Overview of LNG Regulations, the ADL report stated, "It is logical, therefore, that NFPA 59A forms the basis for comparison of these codes, and the foundation on which to build any permanent regulation specifically applicable to LNG facilities." MTB agrees with this conclusion.

MTB therefore anticipates that NFPA 59A will be the foundation for a proposed Part 193, and has based most of the draft regulations set forth in this notice on the requirements of NFPA 59A. Not only are the requirements of the 1972 edition of NFPA 59A used as a basis, but also the requirements of the current 1975 edition. The draft regulations are based on the following principal provisions of the 1975 edition which are not in the 1972 edition:

Process equipment. Requires relief devices (§ 193.905(b)) and support protection (§ 193.815) for certain process components; provides sensing and alarm for combustible mixtures in buildings or process components (§§ 193.909 and 193.911).

Gasifiers. Establishes flow capacity for relief devices (§ 193.715); requires separate automatic valve for downstream temperature control (§ 193.709(b)).

Piping systems. Requires powered operation for certain valves that could be involved in an emergency (§§ 193.305(b), 193.605, 193.917(b), and 193.919); establishes limitations on design pressure for longitudinal weld pipe (§ 193.307(e)); requires nondestructive testing of welded pipe joints for LNG or flammable refrigerant systems (§ 193.1027); prohibits pressure tests of carbon or low alloy steel piping at temperatures below 35°F (§ 193.1025(b)); requires retention of records of materials (§ 193.219) and initial tests conducted (§ 193.1037(d)).

Transfer of LNG and refrigerants. Provides limit on prohibited oxygen content in purging vehicle tanks and provides check procedures for tank vehicles in exclusive LNG service (§ 193.1117(d)(4)).

Fire protection and safety. Establishes mandatory requirement for manual emergency depressuring of components (§ 193.1307(b)); requires portable flammable gas detector (§ 193.1307(g)) and self-contained air breathing apparatus (§ 193.1307(e)) be provided for LNG facility personnel.

Although this notice sets forth draft regulations based on the requirements of NFPA 59A, the regulations are not in the language of NFPA 59A. Rather, MTB has generally restated the requirements in terms of performance standards, using specific requirements where deemed necessary, and also referencing a few industry consensus standards. The use of performance language rather than specifications is consistent with the longstanding Departmental policy in prescribing Federal pipeline safety standards. Under this policy the standards prescribed what adequate level of safety must be achieved, leaving industry free to develop and use improved technological means of meeting the required level. Where necessary the performance standards may include tests and analytical procedures to check the level of performance.

In recent months representatives of the NFPA LNG Technical Committee have expressed the fear that the new Federal regulations would eliminate the need for the Committee and result in disbandment of a valuable group of LNG experts. Alternatively, the NFPA suggests that MTB work within the NFPA standards-setting procedure to bring about the needed changes in LNG safety regulations. MTB does not agree. In the safety area, MTB perceives the role of government as that of prescribing the level of safety industry is legally obligated to provide. The role of a nongovernment organization is to devise and recommend means of meeting the governmental prescribed safety level. Applying this principle to safety of LNG facilities, MTB prescribes what level of safety industry must achieve, stating the various requirements in objective language; NFPA, using current scientific knowledge and applying good engineering judgment, recommends means of meeting each of the requirements, stating its recommendations in specific terminology. Thus, the roles of MTB and NFPA are complementary. To that end, MTB invites NFPA to participate in the development of the new Part 193. Then, when the legal requirements have been published, NFPA can adapt 59A to those requirements. In that way, the Committee will continue as a needed and useful entity.

As recommended by the ADL report, MTB has carefully reviewed the following areas, which are covered by the draft regulations:

Acceptable thermal influx levels. One of the critical safety problems at an LNG facility is protection of the public from potential thermal radiation caused by a burning pool of LNG of other flammable fluid. Prolonged burning may occur in the event of a spill and subsequent ignition of the impounded liquid. Protection is now provided by a separation, or exclusion, distance measured from the edge of an impounding space. The exclusion distance required by NFPA 59A is based on an empirically derived formula: $d=.8(A)^{0.5}$, where d=distance in feet and A=area of the impounding space.

The present exclusion distance standard results in a thermal flux at the boundary of the exclusion zone of roughly 10,000 to 13,000 BTU/ft²hr. At this level of intensity, direct exposure to humans produces unbearable pain in 0.4 seconds, or less. This level was established on the basis of conditions at existing LNG facilities, and may be inadequate as a safety standard for human exposure.

Under § 193.107, MTB suggests that the exclusion distance formula for human direct exposure be based instead on a thermal flux level of 1,000 BTU/ft²hr. At this level, exposure time on bare skin before unbearable pain is about 40 seconds. Humans would have more time to seek shelter or move farther away from a burning pool. Where structures provide some shielding from radiation, the formula would be based on higher tolerable flux levels, e.g., 2,000 BTU/ft²hr for wood homes, 6,700 BTU/ft²hr for infrequently occupied wooden or metal buildings, and 10,000 BTU/ft²hr for certain masonry buildings.

Section 193.107 would further modify the present exclusion distance requirement by taking into account (1) differences in elevation between an impounding space and any target which could be exposed to thermal radiation, and (2) a presumed wind velocity of 7 mph, which could tilt a flame approximately 45° in the direction of the target. The present requirement assumes equal elevations and zero wind velocity. MTB expects that after further research, additional modifications may be possible based on the shape of the impounding space and on full or partial shielding of open areas, as by a tall building. All modifications would be intended to provide for design flexibility and an adequate level of public safety.

Vapor dispersion hazards. Under § 193.109, MTB suggests that each LNG facility provide either an exclusion zone or controlled burning for protection from potential dispersion and subsequent ignition of a vapor or gas plume evolving from an impounded pool of LNG or other flammable liquid. This critical safety problem is now covered in the 1975 edition of NFPA 59A by a general performance standard related to plant design. However, this standard is subject to varying interpretation and application and may not adequately provide for public safety in light of the potential hazards involved. Thus, in addition to other design factors, MTB believes that either an exclusion distance determined in accordance with uniform methodology or controlled burning is needed to provide a realistically adequate safeguard.

The suggested exclusion distance would be determined in accordance with prescribed parameters and spill conditions, using applicable parts of the mathematical dispersion model set forth in the "American Gas Association Project IS-3-1, LNG Safety Program, Interim Report on Phase II Work." This model is suggested on the basis that it provides the best correlation with experimental data. The distance would be measured from an impounding space to a point where most pockets of the highest concentration of gas in air are diffused to a noncombustible level. In computing the distance under § 193.109, an operator would take into account important design factors such as the nature of the impounding system, seismic activity, air

traffic, and insulation of proper integrity. Engineering design with respect to these and other factors can minimize the chance of a catastrophic failure or the rate of vapor evolution after a spill. Thus, for example, in an area where seismic intensities are predictably low, in light of the other suggested design requirements of the new Part, a catastrophic failure is unlikely. In this situation, the exclusion distance would be computed on the basis of a piping failure alone, resulting in a shorter distance than if the basis were a catastrophic failure.

On the other hand, where seismic activity is high, even with more stringent design requirements, a catastrophic failure may occur, and the exclusion distance would be based on a catastrophic spill of all the liquid to be impounded. If a long exclusion distance cannot be provided, the distance might be moderated by other design factors, or an operator might choose the alternative of controlled burning under § 193.109(f). In the latter case, protection would be provided by the suggested thermal radiation exclusion zone and by voluntary methods such as the use of fire suppression techniques to control the rate of burning.

Standards variation for different population densities. For new LNG facilities, the draft regulations are intended to assure a uniformly acceptable risk to persons and property surrounding a facility, regardless of population density. Because of the nature of the potential hazards involved, this same assurance cannot be made for existing facilities without imposing more stringent exclusion distance and other design requirements. Such action, however, would be prohibited by Section 3 of the Natural Gas Pipeline Safety Act of 1968. Even so, MTB believes that the public will be more at risk from new facilities than existing ones; and State or local zoning controls can be used to minimize risks where necessary.

MTB has not drafted the regulations to provide varying levels of safety for different population densities for the following reasons: First, while the overall risk presented by a facility would vary in proportion to population because of the potential losses involved, MTB believes that the seriousness of potential hazards such as thermal radiation and vapor dispersion necessitates minimizing the exposure of individuals to those hazards. This would be accomplished under the draft regulation by limitations on activities inside an exclusion zone (§§ 193.107 and 193.109) and other uniformly applicable design requirements.

Secondly, any reduction in safety for areas of low population might be accompanied by an unacceptable increased risk to facility personnel.

Thirdly, additional special design features necessary to maintain an acceptable level of safety in an area of growing population density might be economically impracticable long after initial siting and construction.

Fourthly, the likelihood of failure at an LNG facility does not vary in proportion to population density.

Finally, MTB does not have enough information to serve as a basis for suggesting varying levels of LNG facility safety even if they were deemed appropriate.

Diking for transfer lines. The draft Subpart E on impoundment design and capacity would require an impounding system for transfer piping and cargo transfer systems to contain any spill from transfer lines.

Criteria for onsite separations distances for potentially hazardous areas. Section 193.113 would require a combination of clearances between critical components and between components and the site boundary to minimize hazards due to spills and collapse of equipment and to provide for mobility in an emergency. Where losses of plant equipment would not present or contribute to a hazard, onsite separation distances would not be required. MTB is continuing to develop more specific criteria for safe separation distances and welcomes any comments in this regard.

Design criteria for earthquake, wind, and snow loads for LNG storage tanks. Section 193.111 would require each operator to conduct a seismic investigation for certain high risk LNG facilities in accordance with criteria which are consistent with requirements applicable to nuclear power plants under 10 CFR Part 100. Certain critical components used in these facilities would have to be designed based on the information acquired, or if the components are used in other facilities, the seismic values set forth in the Uniform Building Code (UBC), considering both vertical and horizontal seismic motion. LNG facilities would be prohibited in certain active seismic areas. Also, where the estimated maximum seismic acceleration at a site has a 0.5 percent probability of exceeding 30 percent G in 50 years or exceeds 30 percent G based on a recorded earthquake, foundations of LNG storage tanks would have to be placed on bedrock and special control systems provided.

The suggested requirements under §193.117 for wind loading on a storage tank are based on the probability of a tornado occurring in 50 years. An operator would have to consider snow and ice loading in the design of a storage tank under §193.505.

Selection of spill design accident, without regard to type of shutdown system. The ADL study suggests that to require impoundment capacities for process, transfer, and equipment areas large enough to hold a timed spill is unnecessary where shutdown systems to stop the flow of liquid will react in a shorter time. Therefore, the draft §193.441 would permit a smaller capacity when twice the shutdown time by such a system is less than the presently required timed spill.

Periodic inspections and ongoing training. The ADL study points out that the NFPA 59A standard is lacking in requirements for periodic inspection, ongoing training programs, accident reporting, operating reports, and similar activities related to the long-term safe operation and maintenance of LNG facilities. Therefore, MTB suggests new requirements for periodic tests and maintenance procedures in Subpart M; for operating procedures (§ 193.1105), monitoring (§ 193.1107), personnel training (§ 193.1115), recordkeeping (§ 193,1141), and investigation of failures (§ 193.1121), in Subpart L; and fire fighting prevention (§ 193.1305), plans (§ 193.1307), and training (§ 193.1311) in Subpart N. Accident reporting for LNG facilities used in the transportation of natural gas by pipeline is presently required by 49 CFR Part 191.

In addition to the NFPA 59A requirements and the ADL report suggestions mentioned above, the draft regulations contain some significant new requirements:

Control systems. The draft regulation would expand previous coverage or establish new requirements in the areas of: performance capability during conditions of a controllable emergency (§ 193.903(b)), extreme environmental conditions (§ 193.303(a)), relief device capability to control overpressure during normal or emergency conditions (§ 193.905(b)); sensing devices to monitor and alarm systems to alert personnel to process malfunctions or detect presence of combustible gas that could lead to hazardous situations (§§ 193.421(d), 193.423, 193.527, 193.909, and 193.911); location and operation of safety control valves (§ 193.917), automatic shutdown systems (§§ 193.605, 193.805, and 193.919), auxiliary controls (§ 193.923), and control center instrumentation (§ 193.921).

Construction. The draft regulations would establish new requirements for development of construction procedures (§ 193.1005); construction inspection (§ 193.1011); qualification of construction workers and inspectors (§§ 193.1009 and 193.1013); and cleanup after construction (§ 193.1015).

Tests and inspections. In addition to strength and leak tests requirements, Subpart K would establish new requirements for control systems tests and inspections (§ 193.1031), storage tank tests (§ 193.1033), and keeping records of these initial inspection and testing activities (§ 193.1037).

Operations. The draft regulation would establish new requirements for determining maximum and minium allowable operating pressures (§ 193.1137), written procedures for transfer operations (§ 193.1117), and responding to foreseeable emergencies (§ 193.1109).

Site security, storage tank design, impoundment design and capacity, and corrosion control. The draft regulations would establish significantly new requirements in areas of site security (§§ 193.1123–193.1135); storage tank design (Subpart F), particularly with respect to penetrations (§ 193.511), instrumentation (§ 193.527), and stratification (§ 193.507); impoundment design and capacity (Subpart E), particularly with respect to components requiring impoundment (§ 193.403); dike height (§193.419), and containment of a sudden total release of liquid from a component (§ 193.415); and corrosion control (Subpart O).

MTB invites all interested persons to participate in the development of new LNG safety standards by submitting in writing by September 1, 1977, such information and comments as they may desire. The September 1 deadline should balance the desires of interested persons for sufficient time to study and evaluate the draft regulations with the need for priority action in this rulemaking proceeding. Comments received after that date will be considered so far as practicable. Communications should identify the docket and notice numbers and be submitted in triplicate to the above address. All comments received will be available for inspection and copying in Docket Room 6500.

Again, MTB emphasizes that this notice is not a proposal to amend the present regulations. After analyzing the response to this notice, MTB may issue another notice (or notices), proposing specific amendments to Title 49 CFR. Interested persons will then have an opportunity to comment on the specific rulemaking proposals. Any requests for additional time to comment on this notice will be considered in light of the length of the initial period for public comment and the fact that an additional comment period is to be provided in conjunction with any future notice of proposed rulemaking.

Impact Evaluation

To ensure that the new Part 193 does not result in costs to the private sector, consumers, or government above those necessary to provide an adequate level of public safety, MTB encourages the submission by interested persons of information on the annual and aggregate costs, benefits, and other anticipated impacts associated with each of the draft regulations and all alternatives which commenters may suggest thereto. This information would enable MTB to adequately consider the impact of any future rulemaking proposals early in the developmental process. Persons wishing to submit such information are asked to take the following considerations into account:

Benefits. The primary benefits of the draft regulations are presumptive reductions in the level of public risk associated with the design, including site selection, construction, operation, and maintenance of new LNG facilities and the operation and maintenance of existing facilities. Public risk is considered as the combination of the probability that an accident will occur, and the magnitude of the expected loss resulting from that accident (in terms of deaths/injuries, property loss and damage, economic disruptions in the supply of natural gas to a community, etc.). Primary benefits, therefore, take the form of either reductions in the probability that accidents will occur or reductions in the magnitude of the expected losses, or both; and these reductions are based on the level of risk that would prevail with and without promulgation of the draft regulations. The net difference between the two is an important element in determining what constitutes an adequate level of public safety.

The following secondary benefits should also be considered in estimating overall benefits of new regulations: Reduction in the cost of litigation, fewer delays due to governmental proceedings, economic gains from the timely development of LNG facilities, and fewer abandonments of planned facilities due to public opposition on safety grounds.

MTB recognizes that estimating safety benefits in these terms—especially for performance standards—can be a difficult and time-consuming task. It also realizes that work has already been done in evaluating the risks associated with LNG facilities (e.g., Final Environmental Impact Statement for the Construction and Operation of an LNG Terminal at Oxnard, California, FPC, December 1976). MTB believes, however, that improved effort in this direction is desirable to determine whether any proposed LNG safety standards are reasonable and economically practicable. The bases for this view are that no generally accepted risk assessment procedure presently exists, probability estimates have not been developed for accidental events at a facility, and convincing arguments have not been presented to show that the probability of major accidents is negligible.

In regard to the use of probability concepts, the availability and quality of data will affect the degree of uncertainty surrounding the level of public risk associated with LNG facilities. Also, the probability data, when combined with estimates of the magnitude of the expected losses resulting from an accident, is useful for determining whether there would be unnecessary regulation of a facility.

Costs. The costs associated with the draft regulations (and any alternatives suggested to the regulations) must be assessed since costs are an important element in determining what constitutes an adequate level of public safety. Although MTB believes that the costs of complying with the draft regulations would not be unwarranted, either in absolute dollar amounts or on the basis of average annual costs (calculated at a 10 percent capital recovery factor over a 20-year period), compliance could impose certain cash outlays about which MTB has little information.

There are at least three other considerations MTB would ask those desiring to submit economic data to bear in mind. First, as in the measurement of the benefits of the draft regulations, their costs should be measured on the basis of the impact "with" and "without" the regulations. In this regard, it is doubtful whether the costs of compliance with Federal regulations no more stringent than the 1975 edition of NFPA 59A or any other generally followed standard of performance should legitimately be regarded as costs of government regulation. The costs of regulations of this type basically are the same as those costs self-imposed by the regulated industry "without" the regulations, unless there is evidence to suggest that a significant segment of the industry does not conform to self-imposed industrial standards. Accordingly, the costs "without" the regulations should be based on actual safety practices currently followed with respect to design, construction, operation, and maintenance of an LNG facility.

The timing of the economic impact of the draft regulations is the second important consideration to bear in mind. Any new standards to be proposed by MTB would have an impact on the some 121 LNG facilities now in existence in the United States, as well as those that may be built over the next 20 years. Accordingly, MTB requests data on cost impacts on future LNG facilities to be built over the next 20 years, and future changes to current facilities that might take place over a 20-year period.

The third consideration concerns future price level changes which would affect the magnitude of the dollar outlays stemming from the regulations. For purposes of comment, these price level changes should generally be ignored; and all costs should be stated in terms of constant (i.e., 1977) dollars.

Persons wishing to provide MTB with data on these and other matters relating to the potential costs of the draft regulations may find the cost categories appearing hereafter helpful as a basis for organizing and developing the data to be submitted. However, these cost categories are designed to serve only as a very general guide or checklist; they are not intended to be comprehensive or limiting.

Example of Types of Economic Information Requested

(a) Standards requiring the installation and purchase of new equipment, or instruments, and material.

1. Type of equipment or material.
2. Estimated amount (number) of equipment or material required.
3. Current unit cost of equipment or material (purchase price).
4. The availability of the equipment or material (supply), and the expected delivery time for the equipment or material.
5. Expected time and cost to install equipment.
6. If installation of the new equipment will cause other equipment to be put out of productive service for some period of time, the costs associated with this action.
7. If installation of the new equipment will increase or decrease the productivity of other equipment, the associated costs.

(b) Standards impacting on personnel training requirements.

1. Impact by job category;
2. By number of personnel;
3. By length of training; and
4. By job category cost of training.

(c) Standards requiring the collection or processing of information.

1. By type of information;
2. By number of forms; and
3. Total costs of collecting/processing information.

(d) Standards requiring certain procedural actions be taken (but not requiring additional equipment or personnel).

1. Estimated facilities affected;
2. Estimated time to complete procedure versus the current operating practice;
3. Estimated frequency; and
4. Estimated cost per facility.

(e) Standards requiring additional personnel.

1. By job category;
2. By number required; and
3. By job category wage rate (current).

(f) Standards requiring additions to or modification of already existing (in place, or in productive service) equipment.

1. Type of equipment;
2. Type of adjustments or modifications to this equipment;
3. Amount of equipment affected;
4. Unit cost of making adjustments or modifications;
5. If adjustments/modifications will cause other equipment to be put out of productive service for any period of time, the costs associated with this action; and
6. If adjustments/modifications will cause an increase or decrease in the productivity of other equipment.

(g) Standards requiring additions to or modifications of present requirements related to siting (e.g., exclusion zones, etc.) and structural design (e.g., impoundment).

1. Type of requirement affected;
2. Amount of land;
3. Value of land; and
4. Added unit costs of complying with regulations.

Acknowledgements: In preparing the draft regulations, valuable technical information, advice, and assistance have been provided in some areas by W. C. Jennings, former head of the Department's pipeline safety program. Additionally, MTB personnel have conferred with operators, nationally established constructors of LNG facilities, other technical branches of government, and have researched and studied many technical reports, codes, and data. The principal MTB authors of this advance notice are Lucian M. Furrow, Chief, Regulations Division; Walter Dennis, Staff Engineer; and Robert L. Beauregard, Attorney, Office of the General Counsel.

Accordingly, the draft Part 193 is set forth below.

Issued in Washington, D.C. on April 14, 1977.

CESAR DELEON,
Acting Director, Office of Pipeline Safety Operations.

PART 193—LIQUEFIED NATURAL GAS FACILITIES: FEDERAL SAFETY STANDARDS

Subpart A—General

Sec.
193.1 Scope of part.
193.3 Applicability.
193.5 Definitions.
193.7 Rules of regulatory construction.
193.9 Filing inspection and maintenance plans.
193.11 Incorporation by reference.

Subpart B—Site Related Design Requirements

193.101 Scope.
193.103 Acceptable site.
193.105 General.
193.107 Thermal radiation protection.
193.109 Combustible vapor-gas dispersion protection.
193.111 Seismic investigation and design.
193.113 Flooding.
193.115 Soil characteristics.
193.117 Wind forces.
193.119 Other severe weather and natural conditions.
193.121 Adjacent activities.
193.123 Separation of components.

Subpart C—Materials

193.201 Scope.
193.203 General.
193.205 Extreme temperatures; normal operations.
193.207 Extreme temperatures; emergency conditions.
193.209 Insulation.
193.211 Cold boxes.
193.213 Piping.
193.215 Concrete materials subject to LNG temperatures.
193.217 Combustible materials.
193.219 Records.

Subpart D—Design of Components

193.301 Scope.
193.303 General.
193.305 Valves.
193.307 Piping, general.
193.309 Pipe supports.
193.311 Buildings, design.
193.313 Buildings, ventilation.
193.315 Low temperature.
193.317 Expansion and contraction.
193.319 Frost heave.
193.321 Ice and snow.
193.323 Electrical systems.
193.325 Lightning.
193.327 Boilers.
193.329 Combustion engines and gas turbines.

Subpart E—Impoundment Design and Capacity

193.401 Scope.
193.403 Impoundment required.
193.405 General design characteristics.
193.407 Classes of impounding systems.
193.409 Structural requirements.
193.411 Impounding surfaces.
193.413 Floors.
193.415 Dikes, general.
193.417 Vapor barriers.
193.419 Dike dimensions.
193.421 Covered systems.
193.423 Gas leak detection.
193.425 Inerting systems.
193.427 Sump basins.
193.429 Spill removal.
193.431 Water removal.
193.433 Shared impoundment.
193.435 Other components and materials.
193.437 Impoundment capacity; general.
193.439 Impoundment capacity; storage tanks.
193.441 Impoundment capacity; equipment and transfer facilities.
193.443 Impoundment capacity; parking areas; portable containers.
193.445 Flow capacity in Class 3 impounding systems.
193.447 Sump basin capacity.

Subpart F—Storage Tanks

193.501 Scope.
193.503 General.
193.505 Loading forces.
193.507 Stratification.
193.509 Movement and stress.
193.511 Penetrations.
193.513 Overpressure.
193.515 Underpressure.
193.517 External temperature.
193.519 Internal temperature.
193.521 Foundation.
193.523 Frost heave.
193.525 Insulation.
193.527 Instrumentation for storage tanks.
193.529 Metal shells and containers.
193.531 Concrete shells and containers.
193.533 Thermal barriers.
193.535 Support systems.
193.537 Internal piping.
193.539 Marking.

Subpart G—Design of Transfer Systems

193.601 Scope.
193.603 General.
193.605 Shutdown control system.
193.607 Backflow.
193.609 Overfilling.
193.611 Cargo transfer systems.
193.613 Marine transfer.
193.615 Tank car and tank truck transfer.
193.617 Emergency valve.

Subpart H—Gasification Equipment

193.701 Scope.
193.703 General.
193.705 Fired gasifiers.
193.707 Downstream pressure.
193.709 Downstream temperature.
193.711 Operational control.
193.713 Shutoff valves.
193.715 Relief devices.
193.717 Warning devices.
193.719 Combustion air intakes.

Subpart I—Liquefaction Equipment

193.801 Scope.
193.803 General.
193.805 Control of incoming gas.
193.807 Contaminants.
193.809 Reverse flow.
193.811 Cold boxes.
193.813 Air in gas.
193.815 Equipment supports.

Subpart J—Control Systems

193.901 Scope.
193.903 General.
193.905 Relief devices.
193.907 Vents.
193.909 Sensing devices.
193.911 Warning devices.
193.913 Discharge pressures and temperatures.
193.915 Pump and compressor control.
193.917 Control valves.
193.919 Shutdown control systems.
193.921 Control center.
193.923 Auxiliary controls.
193.925 Failsafe control.
193.927 Sources of electrical power.

Subpart K—Construction

193.1001 Scope.
193.1003 General.
193.1005 Construction procedures.
193.1007 Identification of critical processes.
193.1009 Qualification of construction personnel.
193.1011 Construction inspection.
193.1013 Qualification of inspectors.
193.1015 Cleanup.
193.1017 Pipe welding.
193.1019 Piping connections.
193.1021 Testing acceptance.
193.1023 Testing, general.
193.1025 Strength tests.
193.1027 Nondestructive tests.
193.1029 Leak tests.
193.1031 Testing control systems.
193.1033 Storage tank tests.
193.1035 Inspection of materials.
193.1037 Construction records.

Subpart L—Operations

193.1101 Scope.
193.1103 General.
193.1105 Operating procedures.
193.1107 Monitoring operations.
193.1109 Emergency procedures.
193.1111 Personnel safety.
193.1113 Personnel participation.

Sec.
193.1115 Training.
193.1117 Transfer procedures.
193.1119 Protecting transfer operations.
193.1121 Investigation of failures.
193.1123 Security; procedures and personnel.
193.1125 Security; enclosures required.
193.1127 Security; enclosure design.
193.1129 Security; enclosure accesses.
193.1131 Security; lighting.
193.1133 Security; monitoring.
193.1135 Security; warning signs.
193.1137 Maximum allowable operating pressure.
193.1139 Purging.
193.1141 Operating records.

Subpart M—Maintenance

193.1201 Scope.
193.1203 General.
193.1205 Maintenance procedures.
193.1207 Maintenance of fire fighting equipment.
193.1209 Isolating and purging.
193.1211 Testing repairs.
193.1213 Contaminants.
193.1215 Testing control systems.
193.1217 Testing transfer hoses.
193.1219 Inspecting storage tanks.
193.1221 Maintenance records.

Subpart N—Fire Prevention

193.1301 Scope.
193.1303 General.
193.1305 Fire prevention plan.
193.1307 Fire fighting plan.
193.1309 Coordination with public safety agencies.
193.1311 Training.
193.1313 Records.

Subpart O—Corrosion Control

193.1401 Scope.
193.1403 General.
193.1405 Corrosion control overview.
193.1407 Atmospheric corrosion control.
193.1409 External corrosion control: buried or submerged components.
193.1411 Internal corrosion.
193.1413 Environmentally induced cracking.
193.1415 Interference currents.
193.1417 Contaminants.
193.1419 Monitoring corrosion control.
193.1421 Remedial measures.
193.1423 Corrosion control records.

AUTHORITY: Sec. 3, Pub. L. 90-481, 82 Stat. 721 (49 U.S.C. 1672); 40 FR 43901, 49 CFR 1.53(a) and paragraph (b)(2) of Appendix A to Part 102 of this Title.

Subpart A—General

§ 193.1 Scope of part.

This part prescribes safety standards for LNG facilities used in the transportation of natural gas by pipeline in or affecting interstate or foreign commerce.

§ 193.3 Applicability.

(a) The requirements of this part governing a new LNG facility apply to facilities initially placed in operation after (day before effective date) except that requirements for design, installation, and construction in Subparts B–K of this part apply to facilities substantially under development before (effective date) only to the extent that compliance is practical.

(b) The requirements of this part governing an existing LNG facility apply to facilities initially placed in operation before (effective date).

§ 193.5 Definitions.

As used in this part—

"Ambient gasifier" means a gasifier which derives heat from naturally occurring heat sources, such as the atmosphere, sea water, surface waters, or geothermal waters.

"Barrel" means a volumetric unit which is 42 U.S. gallons, 5.6146 feet^3 or 0.1590 meters,^{3} each quantity being considered as equal to the other.

"Bunkering" means loading the bunkers or tanks of a marine vessel with a fuel intended for operation of the vessel.

"Cargo transfer system" means a component or system of components and associated area for transferring hazardous liquids in bulk between the closest inline valve on transfer piping and a tank car, tank truck, marine vessel, or pipeline, including connections, arms, hoses, and the area in which a tank car, tank truck, or pipeline is located during transfer, but not the area in which a marine vessel is located.

"Component" means any part or system of parts functioning as a unit in an LNG facility.

"Container" means a component other than piping which confines a hazardous fluid.

"Control system" means a component or system of components functioning as a unit, including control valves, and sensing, warning, relief, shutdown and failsafe devices, which is activated either manually or automatically to establish or maintain the performance of another component.

"Controllable emergency" means an emergency where reasonable and prudent action can prevent a hazard to persons or property from occurring.

"Critical component" means a component which may cause, fail to prevent, or increase a hazardous condition if operational capability is impaired or malfunction occurs.

"Determine" means make a thorough investigation using scientific methods, reach a decision based on sound engineering judgment, and record the decision and its basis with appropriate documentation.

"Dike" means a structural arrangement, which may be of natural geological formation, compacted earth, concrete, or other material, sealed to form a barrier for preventing liquid from flowing in an unintended direction.

"Emergency" means a deviation from normal operation, a structural failure, or severe environmental conditions that probably would cause a hazard to persons or property.

"Exclusion zone" means an area surrounding an LNG facility in which the operator has the authority by ownership or other legal arrangement to control all activities in accordance with §§193.107 and 193.109 for as long as the facility is in operation, including the exclusion or removal of persons and property.

"Failsafe" means a design feature which will maintain or result in a safe condition in the event of malfunction or failure of a power supply, component, or component part.

"G" or "g" means the standard acceleration of terrestrial gravity of 32.17 feet per second per second (980.66 centimeters per second per second) unless otherwise stated by this part.

"Gas," except when designated as inert, means natural gas, flammable gas, or gas which is toxic or corrosive.

"Gasification" means an addition of thermal energy changing a liquid medium to a gaseous state at a point where its critical temperature is exceeded, such that a liquid state cannot be achieved by compression.

"Gasifier" means a heat transfer facility designed to introduce thermal energy in a controlled manner for changing a liquid medium to a gaseous state.

"Heated gasifier" means a gasifier which derives heat from other than naturally occurring heat sources.

"Impounding space" means a volume of space formed by dikes and floors which is designed to hold a spill of LNG or other hazardous liquid.

"Impounding system" includes an impounding space and dikes and floors, including those for conducting the flow of spilled hazardous liquids to an impounding space.

"Liquefied natural gas" or "LNG" means natural gas which has been changed to a liquid cryogen by the reduction in temperature.

"LNG facility" means a facility for liquefying natural gas or transferring, storing, or gasifying liquefied natu. l gas, including rights-of-way, buildings, equipment, piping, and associated facilities, but not including tank cars, tank trucks, marine vessels, fuel systems for motor vehicles, or portable dewar vessels.

"Natural gas" means natural or synthetic gas having methane (CH_4) as its major constituent.

"Normal operation" means functioning within design ranges of pressure, temperature, flow, or other operating criteria without malfunction or personnel error which results in the activation of any safety control.

"Operation" means activation of any component or introduction of any fluid into any component for purposes other than testing.

"Operator" means a person who owns or operates an LNG facility.

"Person" means any individual, firm, joint venture, patnership, corporation, association, state, municipality, cooperative association, or joint stock association and includes any trustee, receiver, assignee, or personal representative thereof.

"Piping" or "Piping system" means all pipe, tubing hoses, fittings, valves, pumps, connections, insulation, safety devices or related components for containing the flow of a fluid.

"Secretary" means the Secretary of Transportation or any person to whom he has delegated authority in the matter concerned.

"Storage tank" means a container for storing a hazardous fluid.

"Transfer piping" means all permanent and temporary piping, supports, and associated area used for transferring hazardous liquids between containers, between a container and a cargo transfer system, or between a sump basin and a receiving vessel.

"Transfer system" includes transfer piping and cargo transfer system.

"Vaporization" means an addition of thermal energy changing a liquid medium to a vapor which is capable of being converted back to a liquid state by compression.

"Vaporizer" means a heat transfer facility designed to introduce thermal energy in a controlled manner for changing a liquid medium to a vapor state.

§ 193.7 Rules of regulatory construction.

(a) As used in this part—

(1) "Includes" means including but not limited to;

(2) "May" means is permitted to or is authorized to;

(3) "May not" means is not permitted to or is not authorized to; and

(4) "Shall" or "must" is used in the mandatory and imperative sense.

(b) In this part—

(1) Words importing the singular include the plural;

(2) Words importing the plural include the singular; and

(3) Words importing the masculine gender include the feminine.

§ 193.9 Filing inspection and maintenance plans.

(a) Except as provided in paragraph (b) of this section, each operator shall file with the Secretary before (6 months after effective date) or 6 months after an LNG facility is initially placed in operation, whichever is later, a plan for inspection and maintenance of each LNG facility. In addition, each change to an inspection and maintenance plan must be filed with the Secretary within 20 days after the change is made.

(b) Paragraph (a) of this section does not apply to a facility—

(1) Subject to the jurisdiction of a State agency that has submitted a current certification or agreement with respect to the facility under Section 5 of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1674); and

(2) For which an inspection and maintenance plan and changes thereto are required to be filed with that State agency.

(c) Plans and changes filed with the Secretary must be sent to the Director, Office of Pipeline Safety Operations, Department of Transportation, Washington, D.C. 20590.

§ 193.11 Incorporation by reference.

(a) Any documents or parts thereof incorporated by reference in this part are a part of this regulation as though set out in full.

(b) All incorporated documents are available for inspection in Docket Room 6500, Trans Point Building. In addition, the documents are available at the addresses provided in Appendix A to this part.

(c) The titles and applicable editions for the publications incorporated by reference in this part are provided in Appendix A to this part.

Subpart B—Site Related Design Requirements

§ 193.101 Scope.

This subpart prescribes site related requirements for the design of a new LNG facility or an existing facility which is replaced, relocated, or otherwise changed.

§ 193.103 Acceptable site.

A site may not be used for an LNG facility unless it is investigated and designed in accordance with the requirements of this subpart.

§ 193.105 General.

An LNG facility must be located at a site of suitable size, topography, and configuration to minimize the hazards to persons and property resulting from leaks and spills of LNG and other hazardous liquids at the site. In selecting a site, each operator shall determine all site related characteristics which could jeopardize the integrity and security of the facility. A site must provide ease of access so that personnel, equipment, and materials from offsite locations can reach the site for fire fighting or controlling spill associated hazards.

§ 193.107 Thermal radiation protection.

(a) *Thermal exclusion zone.* Each LNG facility must have a thermal exclusion zone. Within the exclusion zone an impounding system for flammable liquid may not be located closer to targets listed in paragraph (c) of this section than determined by the prescribed exclusion distances.

(b) *Measurement.* The exclusion distance "d" is measured as shown in the following diagram along the line (PT) in a vertical plane defined by the points (T) and (D), where

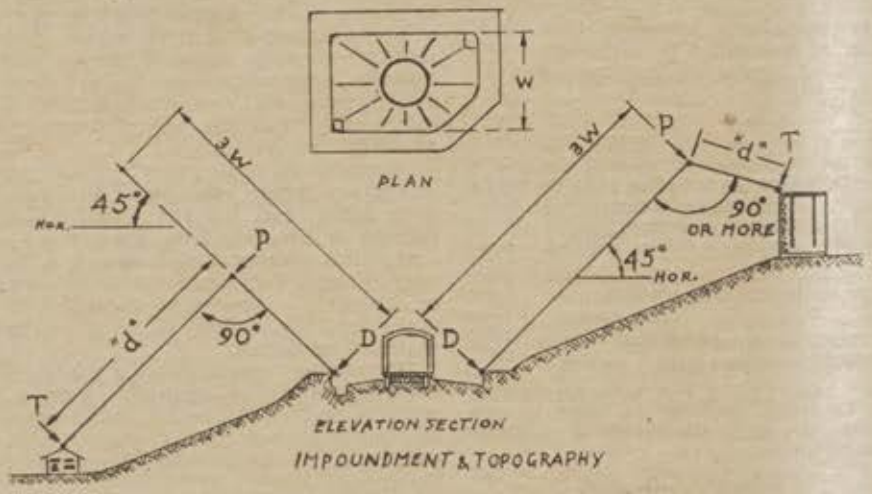
(T) is a point at the top of the target;

(D) is a point closest to (T) on the top inside edge of the dike;

(PD) is a line in the vertical plane which intersects (D) at an angle of 45° above horizontal;

(w) is the inside distance across the top of the impounding space measured normal to (PD); and

(P) is located where (PT) and (PD) intersect at an angle of 90° or where (PD) equals 3(w), whichever results in the shortest length of (PD).



(c) *Exclusion distance length.* The length of an exclusion distance in feet may not be less than the distance "d" determined in accordance with the following formula for the target concerned, where "A" equals inside area in square feet measured across the top of the impounding space:

Target	Exclusion distance
(1) Places of outdoor assembly including beaches, parks, playgrounds, and pedestrian paths.	$d=3.6(A)^{0.5}$
(2) Structures made of cellulose or metal which— (i) Are frequently occupied by humans; (ii) Contain flammable or toxic materials; (iii) Have exceptional value or contain objects of exceptional value; or (iv) Could result in additional hazard if damaged by thermal radiation.	$d=2(A)^{0.5}$
(3) Structures made of brick, stone, or other masonry materials, which are fire resistant and have not more than 10 percent window area.	$d=.8(A)^{0.5}$
(4) Other structures made of cellulose metal or masonry materials; trees; and vegetation.	$d=1.1(A)^{0.5}$

§ 193.109 Combustible vapor-gas dispersion protection.

(a) *Dispersion exclusion zone.* Except as provided by paragraph (f) of this sec-

tion, each LNG facility must have a dispersion exclusion zone with a boundary described by the minimum exclusion distance computed in accordance with this section. The following are prohibited in a dispersion exclusion zone:

(1) Places of outdoor assembly; and

(2) Structures which are frequently occupied by humans, contain flammable or toxic materials, are sufficiently strong to be a container for blast wave initiation, have exceptional value or contain objects of exceptional value, or which could result in additional hazard if damaged by concussion or fire.

(b) *Exclusion distance.* A minimum exclusion distance must be computed for each impounding system which serves components containing LNG or flammable liquids with a boiling temperature of 98.6° F (37° C) or less. For liquids other than LNG, the minimum distance is computed by assuming the liquid to be LNG, except that under paragraph (d)(4)(i) of this section, the boiling rate may be determined by use of the liquid. The minimum exclusion distance in feet equals the sum of the estimated dispersion distance (D_c) plus the estimated deflagration protective distance (D_d). It is measured radially from the inside edge of an impounding system along the ground contour to the exclusion zone boundary.

(c) *Dispersion distance* (D_c). (D_c) must be estimated in accordance with applicable parts of the mathematical model beginning a page D–90, in Section D of "American Gas Association Project IS-3-1, LNG Safety Program, Interim Report on Phase II Work," subject to the following parameters and other requirements of this section:

(1) Average gas concentration in air=2.0 percent.

(2) Gifford-Pasquill atmosphere category=F (moderately stable).

(3) Wind velocity=5.0 MPH.

(4) Lateral dispersion adjustment factor, (GAMY)=0.00.

(5) Vertical dispersion adjustment factor (GAMZ)=0.00.

(6) Vertical displacement factor (ALM)=1.00.

(7) Temperature of external impounding surfaces at northern latitudes: above 45°=37° C; 35° to 45°=47° C; below 35°=57° C.

(d) *Vapor.* In computing dispersion distance (D_c) under paragraph (c) of this section, the following applies:

(1) For sites not subject to paragraph (d)(2) of this section, the value of (D_c) must not be less than a value resulting from one of the following vapor generation conditions:

(i) Vapor generation rate equals the maximum constant rate of discharge from failed transfer piping having the greatest overall flow capacity.

(ii) Vapor generation from sudden contact of LNG with 100 percent of the impounding system floor area and 50 percent of all liquid impounding surfaces which the liquid could contact, including the walls and roof of the component served, plus flash vaporization from the maximum constant rate of discharge from failed transfer piping having the greatest overall flow capacity.

(2) For sites located in active seismic areas having a potential for ground rupture or seismic accelerations in excess of 0.3G as determined under § 193.111, or where other surrounding conditions exist such that structural integrity of the component served cannot be assured with a high degree of certainty (e.g., high density commercial or military air traffic, and military test sites for aircraft and missiles), the value of (D_c) is based on the following applicable conditions:

(i) For Classes 2 and 3 impounding systems, a sudden total spill of the maximum contents of the largest component served, with vapor generation resulting from liquid contact with all exposed surfaces of the impounding system and outer component surfaces and flash vaporization from the contents of the component served.

(ii) For Class 1 impounding systems, a volume discharged from transfer piping equal to the impounding capacity required by this part for transfer piping, with vapor generation resulting from liquid contact with all exposed surfaces of the impounding system, heat transfer to the liquid from any collapsed component roof, and flash vaporization from the maximum contents of the component served or from the liquid discharged by transfer piping, whichever is greater.

(3) As applicable for Classes 2 and 3 impounding systems, the assumed maximum time (t) required for the release of liquid from a component served in a catastrophic spill is determined in accordance with the following equation:

$$(t) = (h/G)^{0.5}$$

where (t) is seconds, and (h) is the difference between the maximum height in feet of the contained liquid and the equilibrium height of liquid when impounded.

(4) Unless the requirements of paragraph (d)(5) of this section are met, the boiling rate of LNG on which (D_c) is based, is determined using either—

(i) The weighted average value of $(KPC)^{0.5}$ determined from eight representative experimental tests on the soil, sealant, and other contact surfaces in the impounding space; or

(ii) $(KPC)^{0.5}=20$, if the impounding surfaces outside the component served are covered with 6 inches of compacted sand and sealed as required by this part; where for the various contact surfaces:

K=thermal conductivity in (BTU/(hr)(ft)(F°)),
P=density in (lb/ft^3), and
C=heat capacity in (BTU/(lb)(F°)).

(5) If impounding surfaces are insulated as follows, the value of $(KPC)^{0.5}$ is determined in accordance with paragraph (d)(4)(i) of this section, both with and without the insulation system in place, using a value of $(KPC)^{0.5}$ of not less than the average of the weighted average value without insulation and the weighted average value with insulation:

(i) The insulation system is formed of multilayers of insulation;

(ii) Each layer is formed with separating or breakaway joints so that cracks or openings due to contraction from contact with the impounded liquid will be evenly distributed;

(iii) Each layer is contiguously interlocked in a manner which will ensure the integrity of its configuration in the event of a spill using fiberglass or metal mesh suitable for the temperature of the liquid to be impounded;

(iv) A suitable membrane with overlapping slip joints is installed between successive layers of insulation;

(v) Joints or breakway lines of successive layers of insulation are staggered in a manner which will provide adequate bearing for the membrane to withstand hydraulic loads and to minimize leakage of an impounded liquid thru the insulation;

(vi) The insulating material is anchored as necessary to prevent floatation; and

(vii) The impounding surface is rigorously inspected at intervals not exceeding 30 days and maintained in a manner to prevent degradation of its insulating properties due to exposure to the elements or other damage.

(6) Dispersion distance (D_c) is determined on the basis that vapor detention space does not exceed:

(i) For conditions described in paragraphs (d)(1)(ii) and (d)(2)(ii) of this section, all space provided for liquid impoundment and vapor detention outside the component served; and

(ii) For the conditions described in paragraph (d)(2)(i) of this section, all space provided for liquid impoundment and vapor detention outside the component served less the volume of liquid that would have entered the impounding space when generating vapor escapes the vapor detention barriers, assuming liquid to be entering the impounding space outside the component served at a constant rate over the time period prescribed by paragraph (d)(3) of this section.

(e) *Planned ignition.* An LNG facility need not have a dispersion exclusion zone if each impounding system which serves components containing LNG or flammable liquids with a boiling temperature of 98.6° F (37° C), or less, is equipped with a redundant automatic ignition system which—

(1) Assures ignition and combustion of combustible vapors at the impounding space; and

(2) Cannot be deactivated when the component served is in operation.

§ 193.111 Seismic investigation and design.

(a) Each operator shall determine the seismic response spectra, potential for motion amplification, potential for soil liquefaction, and potential for surface rupture at the site of each of the following LNG facilities based on a seismic investigation conducted in accordance with paragraph (b) of this section.

(1) A facility with an aggregate storage capacity of 250,000 barrels or more;

(2) A facility with an aggregate storage capacity of less than 250,000 barrels which is located in Zones 2, 3, and 4 of the "Seismic Risk Map of the United States," UBC, or Puerto Rico, not in-

cluding the capacity of any horizontal cylindrical double wall metal storage tank of less than 100,000 gallon capacity mounted within two feet of ground level that is located in Zone 2 of the UBC map; and

(3) A facility located where there is evidence indicating a potential for surface faulting.

(b) Each seismic investigation for facilities listed in paragraph (a) of this section must include the following:

(1) Data on each recorded earthquake which could reasonably be expected to have resulted in surface rupture or surface acceleration over (0.1g) in any direction at the site, including to the extent available:

(i) Date of occurrence;

(ii) Epicenter;

(iii) Hypocenter;

(iv) Highest intensity and its location;

(v) Highest surface response spectra, including both horizontal and vertical acceleration, and location;

(vi) Highest response spectra, including both horizontal and vertical acceleration, estimated to have occured at the site;

(vii) Surface faulting pertinent to potential surface faulting at the site; and

(viii) Uplift and subsidence pertinent to potential uplift and subsidence at the site.

(2) Location of each fault within 200 miles of the site, the length of which exceeds the minimum length shown below, where movement near the ground surface is determined to have occurred at least once in the past 35,000 years, movement is determined to have been recurring during the past 500,000 years, or where structural association with active faults could reasonably be expected to transfer potential motion to the site:

Distance from site (miles):	*Minimum length (miles)*
0 to 20	1
Above 20 to 50	5
Above 50 to 100	10
Above 100 to 150	20
Above 150 to 200	40

(3) A determination of the probability of surface faulting at the site.

(4) Correlation of epicenters, or locations of highest intensity, of recorded earthquakes with tectonic structures, or where the tectonic structure cannot be identified, with tectonic provinces located within 200 miles of the site.

(5) Determination of the:

(i) Geologic structure and conditions;

(ii) Geologic history;

(iii) Lithographic conditions;

(iv) Stratigraphic conditions;

(v) Hydrologic conditions;

(vi) The characteristics of materials underlying the site relative to transmitting seismic motions, including seismic wave velocities;

(vii) Comparative characteristics relative to transmission of vibratory motion to underlying materials at the site from the epicentral location or the location of maximum intensity of recorded earthquakes;

(viii) Estimated response spectra, including horizontal and vertical acceleration, with both 99.5 percent and 90 percent probability of not being exceeded in 50 years based on an analysis of all applicable geotechnical information and considering potential for motion amplification.

(c) In the case of LNG facilities not listed in paragraph (a) of this section, the critical components listed in paragraph (d) of this section must be designed and built to withstand—

(1) The horizontal seismic acceleration and other applicable factors set forth in the UBC, Volume 1, corresponding to the zone of the "Seismic Risk Map of the United States" in which the facility is located; and

(2) A vertical seismic acceleration equal to the horizontal acceleration and the associated applicable factors.

(d) In the case of LNG facilities listed in paragraph (a) of this section, the critical components set forth below must be designed and built to withstand the maximum horizontal and vertical response spectra estimated to have occurred at the site as a result of an earthquake investigated under paragraph (b)(2) of this section or the estimated response spectra with the following probability of not being exceeded in 50 years, whichever is larger, considering motion amplification and symmetric and asymmetric reaction forces resulting from hydrodynamic pressure and motions of contained liquids in interaction with the component structure:

Critical component:	*Probability of response spectra not being exceeded (percent)*
Storage tanks and their impounding systems	99.5
Transfer piping shutdown control systems, other flammable fluid containers	90

(e) Each container which does not have a structurally sound, liquid-tight cover, must have sufficient freeboard with an appropriate configuration to prevent the escape of liquid due to sloshing, wave action, and vertical liquid displacement caused by seismic motion.

(f) An LNG facility is prohibited in the following locations:

(1) A location where surface faulting near critical components is—

(i) Determined by the seismic investigation under paragraph (b) of this section to have more than a 0.5 percent probability of occurring within 50 years; or

(ii) Likely to have occurred within the past 35,000 years as indicated by geological evidence at or near the site or other information.

(2) A location where the estimated maximum horizontal or vertical seismic acceleration, or any combined vector thereof, occurring at the foundation of a critical component, has—

(i) For any critical component, exceeded 80 percent (g) in a recorded event; and

(ii) For the following critical components, more than the indicated percent probability of exceeding 80 percent (g) in 50 years:

Component:	*Probability (percent)*
Storage tank and their impounding systems	0.5
Transfer piping shutdown control system, other flammable fluid containers	10

(3) A location where soil liquefaction or landslide is predictable.

(g) If the estimated maximum seismic acceleration at a site has a 0.5 percent probability of exceeding 30 percent (g) in 50 years or exceeds 30 percent (g) based on a recorded earthquake, the following applies:

(1) Foundations of LNG storage tanks must be on bedrock.

(2) Impounding systems must be of types 1.1, 2.1, or 2.3, and surrounding grade elevation must be maintained not below the elevation at the top of the dike for a distance from the inner edge of the dike equal to $4(A)^{.5}$, where A is the inside area across the top of the impounding space.

(3) Control systems must be provided to continuously monitor seismic response spectra and, when seismic acceleration equals 5 percent (g), automatically stop process operations, activate automatic shutdown valves on transfer lines, and shut down known ignition sources.

§ 193.113 Flooding.

(a) Each operator shall determine the effect of flooding at an LNG facility site which has a 99.5 percent probability of not being exceeded in 50 years. The determination must be based on—

(1) The volume and velocity of the floodwater;

(2) Floodwater previously recorded at the site;

(3) Predictable developments which would affect runoff and accumulation of water;

(4) Effect of dams;

(5) Annual rainfall in the local water shed;

(6) Rainfall and tidal action resulting from a hurricane; and

(7) Tsunamis.

(b) Each LNG facility must be located and designed so that the effect of the flooding determined under paragraph (a) of this section cannot reasonably be expected to result in a hazardous condition involving—

(1) Foundations;

(2) Impounding systems;

(3) Access from outside the facility or movement of personnel and equipment about the LNG facility site for the control of fires and other emergencies;

(4) Power supply to the facility;

(5) Operational capability of control systems, whether electrical, pneumatic or otherwise powered; or

(6) Structural integrity of critical components.

§ 193.115 Soil characteristics.

(a) Soil investigations including borings and other appropriate tests must be

made at the site of an LNG facility to determine bearing capacity, settlement characteristics, potential for erosion, and other soil characteristics applicable to the integrity of an LNG facility.

(b) The soil characteristics at each LNG facility site must provide the following:

(1) Loadbearing capacities, using a safety factor of 1.3, which can support, without excessive lateral or vertical movement, all loads resulting from:

(i) Static and dynamic loading caused by—

(A) Components;

(B) The contents of components; and

(C) Movement of the contents of components, including flow, potential seiche from seismic action, filling, and rollover;

(ii) Static and dynamic loading caused by natural forces on components, including foundation toe loads due to wind forces; and

(iii) Static forces caused by hydrostatic testing of components.

(2) Properties which would not cause—

(i) Liquefaction of the soil under potential seismic action determined under § 193.111;

(ii) Excessive, erosion or frost heaves; and

(iii) Any other predictable unsafe condition.

§ 193.117 Wind forces.

(a) All critical components must be designed to withstand wind forces which have a 99.5 percent probability of not being exceeded in 50 years during storms other than tornadoes.

(b) In addition to the requirements of paragraph (a) of this section, if an LNG facility is located where tornadoes have at least a 0.5 percent probability of occurring within a 50-year period, or where the probability of tornadoes occurring cannot be accurately determined, storage tanks and dikes must be designed to withstand loading from sustained wind speeds of not less than 250 miles per hour, plus stress or impact which could result from the failure and collapse of all connected transfer piping and other appurtenances unless the connected transfer piping and appurtenances also are designed to withstand a wind speed of 250 miles per hour.

§ 193.119 Other severe weather and natural conditions.

(a) In addition to the requirements of §§ 193.111, 193.113, 193.115, and 193.117, each operator shall determine from historical records and engineering studies the worst combination of other weather and natural conditions which may predictably occur at an LNG facility site.

(b) The facility must be located and designed so that such severe conditions cannot reasonably be expected to result in a hazard involving the factors listed in § 193.113(b).

§ 193.121 Adjacent activities.

(a) Each opertaor shall determine the present and predictable activities adjacent to an LNG facility site that could adversely affect the operation of the LNG facility or the safety of persons or property located off the site if damage to the facility occurs.

(b) An LNG facility must not be located where present or projected offsite activities would be reasonably expected to—

(1) Adversely affect the operation of control systems;

(2) Cause failure of critical components; or

(3) Cause the LNG facility not to meet the requirements of this part.

§ 193.123 Separation of components.

Each LNG facility site must be large enough to provide for minimum separations between critical components and between components and the site boundary to—

(a) Permit predictable movement of personnel, maintenance equipment, and emergency equipment within and around the facility; and

(b) Minimize spill and collapse hazards to persons and property on and off the site, unless protection comparable to separation is provided.

Subpart C—Materials

§ 193.201 Scope.

This subpart prescribes requirements for the design of materials in a new LNG facility or an existing facility which is replaced, relocated, or otherwise changed.

§ 193.203 General.

Materials for all components must be—

(a) Able to maintain their structural integrity under all predictable loadings, including applicable environmental design forces under Subpart B of this part;

(b) Physically, chemically, and thermally compatible with any fluid they contain and with any other materials with which they are in contact; and

(c) Qualified in accordance with the applicable requirements of this subpart.

§ 193.205 Extreme temperatures; normal operations.

Each operator shall—

(a) Determine the range of temperatures to which components will be subjected during normal operations, including required testing, initial start-up, cooldown operations, and shutdown conditions; and

(b) Use component materials that meet the design standards of this part for strength, ductility, and other properties throughout the entire range of temperatures to which the component will be subjected in normal operations.

§ 193.207 Extreme temperatures; emergency conditions.

(a) Each operator shall determine the effects on components of a spill or other operational error which could allow LNG or cold refrigerant to reach a component which is not normally exposed to extreme cold.

(b) Each operator shall determine the effects on components of the extreme heat which would result if a spill of LNG or other flammable fluid were ignited.

(c) If the failure of a component due to extreme high or low temperature would result in an emergency, the component may not be used unless—

(1) It is made of materials which are compatible with the entire range of extreme temperatures to which the component may be subjected; or

(2) It is protected from the entire range of extreme temperatures to which the component may be subjected.

(d) If a material that has low resistance to flame temperatures is used in any component containing a flammable fluid, the material must be protected so that any heat resulting from a controllable emergency does not cause the release of fluid.

§ 193.209 Insulation.

Insulation on the outside of piping must be made of a material which will not support combustion in the installed condition and which will maintain adequate insulating properties when exposed to fire, heat, cold, water, or the force of fire hose streams.

§ 193.211 Cold boxes.

All cold boxes and their insulation must be made of materials which do not support combustion in the installed condition.

§ 193.213 Piping.

Piping made of cast iron, malleable iron, or ductile iron may not be used where service temperatures are below −20° F (−28.9° C).

§ 193.215 Concrete materials subject to LNG temperatures.

Concrete subject to LNG temperatures may not be used unless—

(a) Materials, measurements, mixing, placing, prestressing, and poststressing of concrete meets generally accepted engineering practices;

(b) Metallic reinforcing, prestressing wire, structural and nonstructural members used in concrete are acceptable in the installed condition for the temperature and stress levels encountered at design loading conditions; and

(c) Tests for the compressive strength, the coefficient of contraction, an acceptable thermal gradient, and, if applicable, acceptable surface loading to prevent spalling are performed on the concrete at the lowest predictable service temperature or similar test data on these properties are available.

§ 193.217 Combustible materials.

Insofar as practicable, each operator shall use noncombustible materials for the construction of buildings, plant equipment, and the foundations and supports of buildings and plant equipment in areas where ignition of the material would worsen a controllable emergency.

§ 193.219 Records.

Each operator shall keep a record of all components and their materials as necessary to verify that the design requirements of this part are complied with. These records must be maintained for the life of the component.

Subpart D—Design of Components

§ 193.301 Scope.

This subpart prescribes requirements for the design and installation of components in a new LNG facility or an existing facility which is replaced, relocated, or otherwise changed. The requirements are in addition to other design and installation requirements for individual components set forth in applicable subparts of this part.

§ 193.303 General.

(a) The components of each LNG facility must be designed, fabricated, and installed to withstand predictable loadings, including applicable environmental design forces under Subpart B of this part.

(b) Critical components which are exposed to the cold of an LNG or refrigerant spill or the heat of a fire may not worsen a controllable emergency.

(c) For the design and fabrication of an LNG facility, each operator shall use—

(1) With respect to design, persons who have demonstrated competence by training and experience in the design of components for use in an LNG facility; and

(2) With respect to fabrication, persons who have demonstrated competence by training and experience in the fabrication of components for use in an LNG facility.

§ 193.305 Valves.

(a) Each valve must be designed, manufactured, and tested according to written specifications based on generally accepted engineering practices to function under the full range of operating conditions, including pressure and temperature, that are predictable for the valve's use.

(b) Powered local and remote operation must be provided for valves that would be difficult or excessively time consuming to manually operate during a controllable emergency.

(c) When extended bonnet valves are used for cryogenic liquid service, stems must be above the horizontal.

(d) A relief valve to prevent overpressure must be installed in any section of flammable fluid piping which can be isolated between valves.

§ 193.307 Piping, general.

(a) Piping must be designed and manufactured according to written specifications based on generally accepted engineering practices to function under the full range of operating conditions, including pressure and temperature, that are predictable for the piping's use.

(b) All process and flammable fluid piping must have connections to facilitate blowdown and purging.

(c) Each piping system must be identified by color coding, painting, or labeling.

(d) To the extent practical, seamless pipe must be used for process and transfer piping handling LNG or other hazardous liquids.

(e) For longitudinal weld pipe handling LNG or flammable refrigerants—

(1) The design maximum pressure must result in stresses less than 50 percent of the maximum allowable stress set forth in Appendix A, Table 1 of ANSI B31.3, unless the weld is subjected to 100 percent radiographic or ultrasonic inspection to indicate any defects which could adversely affect the integrity of the weld or pipe; and

(2) The heat affected zone of the weld must comply with Section 323.2.2 of ANSI B31.3.

(f) Threaded pipe must be at leasts Schedule 80.

(g) Furnace lap weld, and furnace butt weld pipe may not be used for handling LNG or other hazardous liquids.

(h) Piping made of aluminum, copper, or a copper alloy may not be used where failure of such piping could result in a release of a hazardous volume of hazardous fluid.

§ 193.309 Pipe supports.

(a) Supports for piping whose stability is essential to prevent an emergency must be protected against the cold of a spill of LNG or refrigerant and the heat of any resulting fire.

(b) Supports for LNG or refrigerant piping must be designed to prevent excessive heat transfer which can result in either piping restraints caused by ice formations or the embrittlement of supporting steel.

§ 193.311 Buildings, design.

Each building or structural enclosure in which flammable fluids are handled must be designed and constructed to minimize the probability of initiating a blast wave by pressure containment, collapse of support members, and shrapnel-like fragmentation in the event of an explosion within the structure.

§ 193.313 Buildings, ventilation.

(a) Each building in which flammable fluids are handled must be ventilated to prevent the accumulation during normal operation of a combustible gas and air mixture, hazardous products of combustion, and other hazardous vapors in enclosed process areas, by one of the following means:

(1) A continuously operating mechanical ventilation system;

(2) A combination gravity ventilation system and normally off mechanical ventilation system which is energized by suitable combustible gas detectors at a concentration not exceeding 5 percent of the lower flammable limit of the gas;

(3) A dual rate mechanical ventilation system with the high rate energized by suitable gas detectors at a concentration not exceeding 5 percent of the lower flammable limit of the gas; or

(4) A gravity ventilation system composed of a combination of wall openings, roof ventilators, and if there are basements or depressed floor levels, a supplemental mechanical ventilation system.

(b) The ventilation rate must be at least one cubic foot per minute of air per square foot of floor area. If vapors heavier than air can be present, at least half of the ventilation must be from the lowest level exposed to such vapors.

§ 193.315 Low temperature.

(a) Each operator shall determine the effect of low temperatures produced by conduction of heat away from all components which are in contact with LNG, other cold fluids, or a cold environment in normal operation.

(b) Components made of noncryogenic materials must be protected from low temperatures which would impair the strength and ductility of the material.

(c) Valves and other moving components must not fail or become inoperable as a result of either the effect of low temperature on the materials or the formation of ice on the component.

§ 193.317 Expansion and contraction.

Each operator shall determine the amount of contraction and expansion of each component during operating and environmental thermal cycling and shall—

(a) Provide components that operate without detrimental stress or restriction of movement, within each component and between components, caused by contraction and expansion; and

(b) Prevent ice buildup from detrimentally restricting the movement of components caused by contraction and expansion.

§ 193.319 Frost heave.

(a) Each operator shall—

(1) Determine which critical components and their foundations could be endangered by frost heave from ambient temperatures or temperatures of the component; and

(2) Provide protection against frost heave which might impair their structural integrity.

(b) For each critical component and foundation determined under paragraph (a) of this section, instrumentation and alarm systems must be installed to warn of potential structural impairment due to frost heaving.

§ 193.321 Ice and snow.

(a) Components must support the weight of ice and snow which may collect or form on them.

(b) Each operator shall provide protection for components from falling ice or snow which may accumulate on structures.

§ 193.323 Electrical systems.

(a) Each operator shall—

(1) Determine the degree of hazard from electrical systems and equipment for the various areas within an LNG facility, including the possibility of an electrical ignition of combustible fluid and air mixtures that could occur from normal operations or from a leak or spill of flammable fluid; and

(2) Design and install electrical equipment and wiring in accordance with NFPA–70, to minimize the hazard, using explosion-proof equipment where necessary.

(b) In applicable areas, electrical grounding and bonding must be provided to prevent ignition from static electricity.

(c) If stray currents could be present or if impressed currents are used on transfer systems for cathodic protection, each operator shall take protective measures to prevent ignition from those sources.

(d) Ground circuit fault detection devices must be installed on all electrical equipment.

§ 193.325 Lightning.

Each operator shall install lightning rods, arrestors, and grounds as necessary to protect plant personnel from harm and critical components, including all electrical circuits, from damage as a result of a stroke of lightning.

§ 193.327 Boilers.

Boilers must be designed and fabricated in accordance with Section I of the ASME Boiler and Pressure Vessel Code. Other pressure vessels subject to that Code must be designed and fabricated in accordance with Division 1, or Division 2, Section VIII.

§ 193.329 Combustion engines and gas turbines.

Combustion engines and gas turbines must be installed in accordance with NFPA-37.

Subpart E—Impoundment Design and Capacity

§ 193.401 Scope.

This subpart prescribes requirements for the design and installation of impounding systems in a new LNG facility or an existing facility which is replaced, relocated, or otherwise changed.

§ 193.403 Impoundment required.

An impounding system must be provided for the following components and areas to contain a potential spill of LNG or other hazardous liquid:

(a) Storage tanks;

(b) Process equipment containing hazardous liquids;

(c) Gasification and vaporization equipment;

(d) Transfer piping;

(e) Cargo transfer systems;

(f) Parking areas for tank cars or tank trucks containing hazardous liquids; and

(g) Areas for loading, unloading, or storing portable containers of hazardous liquids.

§ 193.405 General design characteristics.

(a) An impounding system must have a configuration or design which will prevent liquid from escaping impoundment under the worst predictable spill condition by any predictable accidental mechanism, including leakage, trajectory (including splash from collapse of a component or part thereof), momentum and low surface friction, foaming, failure of pressurized piping, and accidental pumping.

(b) The basic form of an impounding system may be excavation, a natural geological formation, manufactured diking, such as bermes or walls, or any combination thereof.

§ 193.407 Classes of impounding systems.

(a) For the purpose of this part, impounding systems are classified as follows:

(1) *Class 1.* A system which surrounds the component served with the inner surface of the dike constructed against the outer surface of the component, consisting of the following types:

Type	*Description*
1.1	Excavation.
1.2	Berme.
1.3	Protective wall.
1.4	Nonprotective wall.

(2) *Class 2.* A system which surrounds the component served with the dike located a distance away from the component, consisting of the following types:

Type	*Description*
2.1	Excavation.
2.2	Berme.
2.3	Protective wall.
2.4	Nonprotective wall.
2.5	Protective wall, covered gas tight space filled with inert gas or interconnected with container vapor space.
2.6	Nonprotective wall, covered gas tight space filled with inert gas or interconnected with container vapor space.

(3) *Class 3.* A system which conducts a spill by dikes and floors to a remote impounding space which does not surround the component served, consisting of the following types:

Type	*Description*
3.1	Excavation.
3.2	Berme.
3.3	Protective wall.
3.4	Nonprotective wall.

NOTE.—The term "protective wall" means a dike is designed to comply with § 193.409 (a)(6).

(b) In the case of an impounding system consisting of a combination of Classes or types within a Class, where necessary to achieve compliance with requirements of this part applicable to a Class or type of system, those requirments apply according to the percentage of impoundment provided by each Class or type.

§ 193.409 Structural requirements.

(a) An impounding system, including any exposed surfaces of the component served which may be contacted by the liquid to be impounded, must be designed to prevent impairment of the system's performance ability and structural integrity as a result of the following:

(1) The imposed loading from—

(i) Full hydrostatic head;

(ii) Hydrodynamic action, including the effect of any material injected into the system for spill control;

(iii) The impingement of the trajectory of a liquid jet discharged at any predictable angle; and

(iv) Anticipated hydraulic forces from a rupture in a container or pressurized piping assuming that the discharge pressure from each failed component is its design maximum pressure.

(2) The erosive action from a spill, including jetting of spilling liquid, and any other anticipated erosive action including surface water runoff, ice formation, dislodgment of ice formation, and snow removal.

(3) The effect of the temperature, any thermal gradient, and any other anticipated degradation resulting from sudden or localized contact with the liquid to be impounded.

(4) Exposure to fire, where impoundment is intended for a flammable liquid or is subject to potential fire from sources other than an impounded liquid.

(5) If applicable, the potential impact and loading on the dike due to—

(i) Collapse of the component served or adjacent components; and

(ii) If the impounding system is under the landing pattern of a commercial or military airport or adjacent to railroad or highway traffic—

(A) Collision by aircraft or land vehicle; and

(B) An exploding aircraft or land vehicle.

(b) For spills from storage tanks, imposed loading and surging flow characteristics must be based on a sudden total release of the full contents of the tank. For spills from components other than storage tanks, imposed loading from the volume impounded must be based on the impounding capacities and conditions of discharge set forth in this part.

(c) Insulation, sealants, or other coatings and coverings which are nonstructural materials in an impounding system—

(1) Must not support combustion when in its installed condition;

(2) Must withstand exposure to fire from sources other than the liquid to be impounded; and

(3) Where such materials might be consumed during combustion of the impounded liquid, must not release toxic fumes.

(d) Insulation, sealants, and other coatings and coverings necessary for maintaining the functional integrity of an impounding system must be capable of withstanding exposure to fire, the liquid, and thermal shock from the liquid to be impounded.

§ 193.411 Impounding surfaces.

Surfaces of impounding systems must be treated and sealed where necessary to prevent—

(a) Leakage of the impounded liquid from the impounding system; and

(b) Seepage of surface water or ground water into the impounding space or into subsurface materials.

§ 193.413 Floors.

(a) Floors of Class 2 and Class 3 impounding systems must slope—

(1) Away from the component served to sump basins located as required by § 193.427; and

(2) To the extent feasible, away from the nearest adjacent critical component.

(b) Slopes of floors in Classes 2 and 3 impounding systems must have grades which—

(1) Are at least 2 percent;

(2) In the case of Class 3 systems, adequately provide for flow to the impounding space;

(3) Divert spilled liquids from the component served to sump basins installed under § 193.427 at the maximum feasible rate so as to minimize hazards from vapor evolution, fire, and other sources as a result of small spills; and

(4) Prevent collection of water and drain surface water from the floor at rates based on a maximum predictable rainfall and any other predictable water source.

(c) Floors in Classes 2 and 3 impounding systems must contain channels designed to minimize the wetted area and to drain surface water and spilled liquid to sump basins installed under § 193.427.

(d) Except where necessary for effective control of potential spills from transfer piping, impounding system floors must not be located above grade level.

§ 193.415 Dikes, general.

(a) Dikes must be reinforced and contiguously interlocked between all parts and the ground as necessary to withstand all hydrodynamic forces from a sudden total release of the highest density contents at full capacity of the component served, except that for dikes serving storage tanks with at least two load bearing cryogenic shells, hydrostatic forces in lieu of hydrodynamic forces may be applied.

(b) Penetrations in dikes to accommodate piping or any other purpose are prohibited.

(c) An outer wall of a component served by an impounding system may not be used as a dike.

§ 193.417 Vapor barriers.

(a) If a dispersion exclusion zone is provided under § 193.109, vapor barriers must be installed as necessary in connection with each impounding system for liquids with a boiling temperature of 98.6° F (37° C), or less, to detain the release of a spill vapor for a period which prevents a flammable gas cloud from extending beyond the exclusion zone boundary.

(b) Vapor barriers must be designed and constructed to entrain cold vapor.

§ 193.419 Dike dimensions.

(a) Except as provided in paragraph (c) of this section, dikes must have sufficient height and be located a sufficient distance from the component served to—

(1) Provide minimum impounding capacity as prescribed in this subpart and, in Class 3 systems, adequate flow capacity to the impounding space as required by § 193.445; and

(2) Intercept a jet of hazardous liquid discharged from any feasible location on the component served and at any predictable vertical and horizontal angle of exit and resulting trajectory, except that for low pressure storage tanks having multiple conventionally built vertical cylindrical walls with at least two such walls having full load bearing capability, vertical angles of discharge above the horizontal need not be considered.

(b) Dike height must be determined as a function of distance from the component served, assuming that wind will not influence the free parabolic trajectory of escaping liquid.

(c) Where dikes with dimensions prescribed by paragraph (a) of this section are impractical to provide, baffles or deflecting surfaces may be installed as necessary to control the trajectory of escaping liquid and to assure interception and confinement of the liquid in the impounding space.

§ 193.421 Covered systems.

(a) A type 2.5 or type 2.6 impounding system is prohibited unless it is—

(1) Sealed from the atmosphere and filled with an inert gas; or

(2) Permanently interconnected with the vapor space of the component served.

(b) The covering over an impounding space must be structurally capable of withstanding all potential internal and environmental loadings.

(c) Membraneous covering is prohibited.

(d) Instrumentation and controls must be provided, as applicable, to—

(1) Maintain pressures at a safe level;

(2) Monitor gas concentration; and

(3) Warn of unsafe conditions within the covered space.

(e) Pressure and vacuum relief devices, having adequate capacity, must be provided to assure that safe levels of pressure within the impounding space are not exceeded, assuming a spill results in the instantaneous wetting of 100 percent of the floor area and 50 percent of the inside area of the dikes.

(f) Dikes must have adequate structural strength to assure that they can withstand impact from a collapsed cover and all anticipated conditions which could cause a failure of the impounding space cover.

§ 193.423 Gas leak detection.

Impounding systems must be equipped with instruments to continously monitor the following locations for the presence of gas concentrations and to warn when concentration levels exceed 20 percent of the lower explosive limit:

(a) The low point in each quadrant of an impounding space;

(b) All sump basins;

(c) In a Class 3 system, the point where conducting dikes join the impounding space;

(d) Appropriate points along each dike at intervals not more than 100 feet; and

(e) Other appropriate points where collection or passage of leaking gas could be expected.

§ 193.425 Inerting systems.

(a) Each open impounding system must have an inerting device installed for each length of diking which—

(1) Has an average dike height greater than one half the distance between the dike and an opposite barrier of equal or greater height; and

(2) Is longer than the distance to an opposite barrier but not longer than twice the distance.

(b) Each inerting device must continuously measure gas concentrations and automatically release an inert mixture of carbon dioxide and nitrogen gases when a gas concentration equal to 40 percent of the lower flammable limit is detected.

(c) The concentration of gas must be measured, at each low elevation in the impounding space where dense gas is most likely to collect.

(d) The inert mixture must be injected at an elevation of 50 percent of dike height horizontally in a direction to prevent direct impingement on the gas concentration sampling location.

(e) The specific gravity of the inert mixture when injected must be maintained at 1.15 to 1.20, based on an air temperature of 32° F (0° C).

(f) The supply of inert mixture available for injection must be to fill at least 40 percent of the portion of the impounding space outside the component served.

§ 193.427 Sump basins.

(a) Except for Class 1 impounding systems, a sump basin must be located in each impounding system to hold small spills of flammable liquids and to provide for the transfer of such liquids from an impounding system.

(b) Each sump basin must be located at the point most remote from the component served by the impounding system and any adjacent aboveground critical component.

§ 193.429 Spill removal.

(a) Each sump basin must be equipped with transfer piping, with cryogenically suitable pumps and piping and redundant failsafe arrangements to prevent inadvertent operation, for transferring spilled liquid to a receiving vessel.

(b) The transfer piping must provide for selective withdrawal from multiple locations and be appropriately insulated so that flammable liquid can be withdrawn from the impounding space during a fire in the impounding space.

§ 193.431 Water removal.

(a) Impounding systems must have sump pumps and piping running over the dike to remove water collecting in the impounding space, including the sump basin.

(b) The water removal system must have adequate capacity to remove water at rates which equal the maximum predictable collection rate from rainfall and other natural sources.

(c) Sump pumps for water removal must—

(1) Automatically operate as necessary to keep the impounding space as dry as possible; and

(2) Have controls for operation and redundant automatic shutdown controls to prevent operation when the liquid to be impounded is present.

§ 193.433 Shared impoundment.

(a) Except as provided in paragraph (c) of this section, a single impounding system may not serve more than one component if—

(1) The maximum spill capacity of any single component exceeds 2,000 barrels; or

(2) The maximum spill capacity of all components exceeds 10,000 barrels.

(b) If more than one component is served by a single impounding system—

(1) Twice the minimum separation distances prescribed by § 193.123 must be provided; and

(2) Components must be protected by topography or other means (excluding water deluge or other action which could result in the dispersion distance of a combustible gas exceeding acceptable limits) to prevent spillage from one component from causing damage or leakage to any other component due to any of the following:

(i) Fire exposure;

(ii) Low temperatures;

(iii) Chemical reactions; or

(iv) High thermal gradients or physical forces which could result from contact with LNG in the event of a sudden total spill of the maximum capacity of liquid from any component, trajectories from jets of leaking liquids, or other forms of leakage.

(c) Where components have at least two load bearing cryogenic shells, with the outer shell made of cryogenic steel alloy or cryogenic prestressed concrete, the aggregate maximum capacity of components within a single impounding system may be increased to 250,000 barrels by increasing either the size or number of components.

§ 193.435 Other components and materials.

Piping, pipe supports, and critical components located within an impounding system must be protected against damage from fire, contact with spilled liquids, or impact by failed components which could result in an emergency.

§ 193.437 Impoundment capacity; general.

(a) For Types 2.5 and 2.6 impounding systems, space between the outer wall of the component served and the dike may not be used to comply with the capacity requirements of this subpart which exceed the component's maximum liquid capacity unless the impounding space and the component are covered by an impounding space roof which is separate and independent from the component.

(b) In addition to capacities otherwise required by this subpart, an impounding system must have sufficient volumetric capacity to provide for—

(1) Displacement by components; and

(2) Displacement which could accumulate when a higher density substance (e.g., water used in fire fighting) enters the system, considering any excess impounding capacity, evaporation, fire by automatic planned ignition under § 193.109(f), and other relevant means assuring capacity.

§ 193.439 Impoundment capacity; storage tanks.

Each impounding system serving a storage tank must have a minimum volumetric liquid impoundment capacity as follows:

Number of tanks in system	Class or type of system	System capacity of tank's maximum liquid capacity	
		Hazardous liquids with a boiling point of 98.6° F (37° C) or less at 1 bar absolute pressure	Other hazardous liquids
1	Class 1 and types 2.5 and 2.6	120 percent	110 percent.
	Class 3 and types 2.1 to 2.4	150 percent	120 percent.
More than 1	All	100 percent of all tanks or 150 percent of largest tank, whichever is greater.	100 percent of the largest 2 tanks or 120 percent of the largest tank, whichever is greater.

§ 193.441 Impoundment capacity; equipment and transfer facilities.

Each impounding system serving a component under §§ 193.403 (b)–(e) must have a minimum volumetric liquid impoundment capacity equal to the sum of—

(a) 150 percent of the volume of liquid that could be contained in the component served; and

(b) The maximum volume of liquid which could discharge into the impounding space from any single failure of equipment or piping during twice the time period necessary for spill detection, instrument response, and sequenced shutdown by the redundant automatic shutdown system under § 193.605.

§ 193.443 Impoundment capacity; parking areas portable containers.

Each impounding system serving a component under §§ 193.403 (f) and (g) must hve a minimum volumetric liquid impoundment capacity which complies with the requirements of § 193.437, assuming each tank car, tank truck, or portable container to be a storage tank.

§ 193.445 Flow capacity in class 3 impounding systems.

(a) Each spill conducting space in a Class 3 impounding system must have adequate flow capacity for the following volumes and flow rates of a potential spill at all points along its traverse:

(1) For storage tanks, the worst combination of flow rates and 150 percent of the volume from a sudden and complete release of the largest above grade maximum liquid capacity of any single tank served, plus the discharge from all transfer piping which could be loading that tank, assuming the loading transfer piping is discharging at maximum potential open end capacity during the longer of the time periods set forth in § 193.439(b), and less any upstream or intermediate impounding capacity.

(2) For components listed in §§ 193.403 (b)–(e), the worst combination of flow rates and volumes determined in accordance with § 193.439, less any upstream or intermediate impounding capacity.

(3) For areas listed in §§ 193.403 (f) and (g), the requirements of paragraph (a)(1) of this section apply, assuming each tank car, tank truck, or portable container to be a storage tank.

(b) When intermediate impounding space is used to provide the capacity of conducting space required by this section, the capacity of the intermediate space must be based on the combination of applicable volumes and flow rates set forth in paragraph (a) of this section to assure adequate capacity of the conducting space.

§ 193.447 Sump basin capacity.

(a) Sump basins in impounding systems for storage tanks must have a minimum volumetric capacity equal to the discharge from relevant connected sections of transfer piping which can operate simultaneously, assuming the transfer piping discharges at maximum potential open end capacity for the time period necessary for spill detection instrument response and sequenced shutdown by the redundant automatic shutdown system.

(b) Sump basins in impounding systems for components listed in §§ 193.403 (b)–(e) must have a minimum volumetric capacity equal to half of the lesser of—

(1) The volume of liquid which could discharge into the impounding system from any single failure of equipment or piping during the time period necessary for spill detection instrument response and sequenced shutdown by the redundant automatic shutdown system; or

(2) The volume of liquid that could be contained in the component served.

(c) Sump basins in impounding systems for areas listed in §§ 193.403 (f) and (g) must have a minimum volumetric liquid capacity which meets the requirements of paragraph (a) of this section, assuming each tank car, tank truck, or portable container to be a storage tank.

Subpart F—Storage Tanks

§ 193.501 Scope.

This subpart prescribes requirements for the design and installation of storage tanks in a new LNG facility or an existing facility which is replaced, relocated, or otherwise changed.

§ 193.503 General.

(a) Storage tanks must comply with the requirements of this subpart and the other applicable requirements of this part.

(b) A membrane liner may not be used as an inner container in a storage tank.

§ 193.505 Loading forces.

Each component of a storage tank must be designed to withstand any predictable combination of the following forces which would result in the highest stress to the component:

(a) Design maximum pressure determined under § 193.513.

(b) Design minimum pressure determined under § 193.515.

(c) Weight of the structure.

(d) Weight of liquid to be stored determined at its highest density and at the level creating the highest stress.

(e) Nonuniform reaction forces on the foundation due to settling and other movement.

(f) Superimposed forces from piping, stairways, and other connected appurtenances.

(g) Snow and ice.

(h) The loading of internal insulation on the inner container and outer shell due to weight and movement of the container and shell over the design life of the insulation.

(i) In the case of vacuum insulation, the forces due to the vacuum.

(j) In the case of a positive pressure purge, the forces due to the maximum positive pressure of the purge gas.

§ 193.507 Stratification.

Storage tanks for cryogenic liquids with a capacity of 5,000 barrels or more must be equipped with—

(a) Mixing devices for liquid loading to mitigate a potential for rollover and overpressure resulting in relief valve operation; and

(b) Pumps, piping, and valves for—

(1) Selective filling at the top and bottom of the tank;

(2) Circulating liquid from the bottom to the top of the same tank; and

(3) Transferring liquid selectively from the bottom of the tank to the bottom and top of any adjacent storage tank for the same liquid.

§ 193.509 Movement and stress.

(a) Each operator shall determine for normal operations of each storage tank—

(1) The amount and pattern of predictable movement of components, including transfer piping, and the foundation, which could result from thermal cycling, loading forces, and ambient air changes; and

(2) For a storage tank with an inner container, the predictable movement of the inner container and the outer shell in relation to each other.

(b) Storage tanks must be designed to provide adequate allowance for stress due to movement determined under paragraph (a) of this section, including provisions that—

(1) Backfill does not cause excessive stresses on the tank structure due to expansion of the storage tank during warmup;

(2) Insulation does not settle to a damaging degree or unsafe condition during thermal cycling; and

(3) Expansion bends and other expansion or contraction devices are adequate to prevent excessive stress on tank penetrations, especially during cooldown from ambient temperatures.

§ 193.511 Penetrations.

(a) All penetrations in a storage tank must be symmetrically located on the top of the tank as close as possible to the center.

(b) Penetrations must be reinforced to ensure that any failure of the penetrating component does not result in hazardous structural damage to the tank.

§ 193.513 Overpressure.

(a) Each operator shall determine the design maximum pressure at the top of each storage tank.

(b) The design maximum pressure of a storage tank may not be lower than the highest vapor pressure resulting from each of the following events or combination thereof that predictably might occur:

(1) Filling the tank with any cryogenic or refrigerant liquid, including effects of increased vaporization rate due to superheat and sensible heat of the added liquid;

(2) Rollover resulting from adding a cryogenic liquid which has a different density than liquid already in the tank, or from weathering in storage;

(3) Fall in barometric pressure, using the worst combination of amount of fall and rate of fall which might credibly occur;

(4) Loss of effective insulation that may result from an adjacent fire, leak of liquid into the inter-tank space, or other predictable accident; and

(5) Flash vaporization resulting from pump recirculation.

(c) To prevent a storage tank from exceeding its design maximum pressure, each operator shall use automatic primary and redundant relief devices, a mixing system, operating procedures, and—

(1) Boiloff extraction systems with reliquefaction or sendout systems; or

(2) Liquid subcooling.

§ 193.515 Underpressure.

(a) Each operator shall determine the design minimum pressure at the top of each storage tank.

(b) The design minimum pressure may not be lower than 2 psig or higher than the lowest vapor pressure resulting from each of the following events or combinations thereof that predictably might occur:

(1) Withdrawing liquid from the tank;

(2) Withdrawing gas from the tank;

(3) Adding subcooled cryogenic liquid to the tank; and

(4) Rise in barometric pressure, based on the worst combination of amount of rise and rate of rise which predictably might occur.

(c) Each operator shall use automatic primary and redundant relief devices, operating procedures, and gas makeup or ambient vaporizers to prevent the pressure in a storage tank from falling below the design minimum pressure. Air must not enter the tank except when necessary to protect the tank in the event of a malfunction of relief devices.

§ 193.517 External temperature.

(a) Each operator shall determine the maximum exposure of a storage tank to—

(1) Conduction of cold by transfer piping connection;

(2) Contact with spilled LNG or liquid refrigerant and cold vapor caused by a failure of connecting piping; and

(3) Heat from an ignited spill of LNG or other flammable liquid caused by a failure of connecting piping.

(b) Each storage tank must be protected to ensure that the cold of any cryogenic or refrigerant liquid spill and the heat of any resulting fire will not cause the storage tank to add significantly to a controllable emergency.

§ 193.519 Internal temperature.

Each storage tank must be designed to withstand the lowest temperature to which it could be subject below the temperature of the liquid contained at the design minimum pressure.

§ 193.521 Foundation.

(a) Each storage tank must have a stable foundation designed in accordance with generally accepted structural engineering practices. The design must take into account the forces which may exist due to the difference in density between the contained liquid and the displaced ground.

(b) Each foundation must support the loading forces under § 193.505 without detrimental settling that could impair the structural integrity of the tank.

(c) When the location of a storage tank foundation is subject to flooding or is near the natural water table, each operator shall determine the weight of the foundation and the empty tank and shall anchor the tank so that the buoyant water forces will not float the tank or impair the structural integrity of the tank.

(d) Piling must not be used to provide necessary foundation support for a storage tank.

§ 193.523 Frost heave.

If the protection provided for storage tank foundations from frost heave under § 193.319(a) includes heating the foundation area—

(a) The instrumentation and alarm system provided under § 193.319(b) must include an alarm to warn of malfunction of the heating system; and

(b) A means to correct the malfunction must be provided.

§ 193.525 Insulation.

(a) Insulation on the outside of a storage tank may not be used to maintain stored liquid at an operating temperature.

(b) Insulation on the outside of a storage tank must be covered and must provide a vapor barrier, be free of water, and meet the other applicable requirements of this part. The covering must be

inflammable, have a melting point above 1500° F, not be subject to ultraviolet decay, and withstand wind and anticipated impact loading which credibly may occur.

(c) Insulation between an inner container and the outer shell of a storage tank must be compatible with the contained liquid and its vapor. The insulation, in its installed condition, must be inflammable. The insulation must not significantly lose insulating properties by melting, settling, or other means if a fire occurs outside the outer shell.

§ 193.527 Instrumentation for storage tanks.

(a) Each storage tank must be equipped with redundant sensing devices and personnel warning devices, as prescribed, which operate continuously while the tank is in operation to assure that each of the following conditions is not a potential hazard to the structural integrity or safety of the tank:

Condition	*Instrumentation*
(1) Amount of liquid in the tank	Liquid level gages and recorders with top fill alarms and a separate overfill alarm.
(2) Vapor pressure within the tank	Pressure gages and recorders with high-pressure alarms.
(3) Temperatures at representative critical points in the foundation.	Temperature indicating and recording devices with alarm at 37° F (2.8° C).
(4) Temperatures of contained liquid at various vertical intervals.	Temperature recorders.
(5) Reaction loading between an LNG tank and foundation.	Load recorders plus pressure cells at each critical location distributed along orthogonal axes under the tank.
(6) Excessive stress in tank structures	Strain recorders with sensors located at representative critical points.
(7) Air in tank due to vacuum relief valve	Oxygen concentration indicator with alarm at 0.5 pct by volume.
(8) Gas under tank	Gas concentration indicator with alarm at 5 pct of the lower flammable limit.

(b) Each storage tank must be designed as appropriate to provide for compliance with the inspection requirements of § 193.1219.

§ 193.529 Metal shells and containers.

(a) Metal shells and containers in storage tanks with design maximum pressures of not more than 15 psig must be designed in accordance with API Standard 620 and, where applicable, Appendix Q of that Standard.

(b) Metal shells and containers in storage tanks with design maximum pressures above 15 psig must be designed in accordance with the applicable Division of Section VIII of the ASME Boiler and Pressure Vessel Code.

§ 193.531 Concrete shells and containers.

(a) Concrete shells and containers in storage tanks must be designed and constructed in accordance with ACI-318-71 and ACI-67-40.

(b) Design stresses for concrete must be based upon strength values determined at 60° F.

§ 193.533 Thermal barriers.

Thermal barriers must be provided between piping and an outer shell when necessary to prevent the outer shell from being exposed to temperatures lower than the design temperature.

§ 193.535 Support systems.

(a) Saddles and legs must be designed in accordance with generally accepted structural engineering practices, taking into account loads during transportation, erection loads, and thermal loads.

(b) Storage tank stress concentrations from support systems must be minimized by distribution of loads using pads, load rings, or other means.

(c) For a storage tank with an inner container, support systems must be designed to—

(1) Minimize thermal stresses imparted to the inner container and outer shell by expansion and contraction; and

(2) Sustain the maximum applicable loading from shipping and operating conditions.

(d) The bottom of a storage tank with a capacity more than 15,000 barrels may not be installed above grade level.

§ 193.537 Internal piping.

(a) Piping between an inner container and outer shell must be designed for not less than the pressure rating of the inner container. The piping must contain expansion loops where necessary to protect against thermal and other secondary stresses created by operation of the tank. Bellows may not be used within the space between the inner container and outer shell.

(b) Storage tanks with a design pressure which exceeds the liquid head from the maximum liquid level to the top of the tank must be equipped with internal excess flow valves.

§ 193.539 Marking.

(a) Each operator shall install and maintain a placard in an accessible place on each storage tank and mark it with the following, using English and metric units where applicable:

(1) Builder's name;

(2) Date construction completed, and date of commissioning;

(3) Nominal liquid capacity stated in barrels, gallons, and cubic meters;

(4) Design pressure for vapor at top of tank;

(5) Maximum density of liquid to be stored;

(6) Maximum level to which container may be filled with stored liquid;

(7) Maximum design soil load bearing;

(8) Maximum design foundation reaction forces on tank;

(9) Minimum temperature, in degrees Fahrenheit and Celsius, for which the tank was designed;

(10) Maximum external water height which does not result in excessive flotation forces or other damaging stresses prohibited under § 193.521(c); and

(11) Maximum design wind load, snow load, and ice load.

(b) Each penetration in a storage tank must be marked indicating the function of the penetration.

(c) Marking required by this section must not be obscured by frosting.

Subpart C—Design of Transfer Systems

§ 193.601 Scope.

This subpart prescribes requirements for the design and installation of transfer systems in new LNG facilities or existing facilities which are replaced, relocated, or otherwise changed.

§ 193.603 General.

(a) Transfer systems must comply with the requirements of this subpart and the other applicable requirements of this part.

(b) The design of transfer systems must provide for expansion and stress due to the frequency of thermal cycling and intermittent use to which the transfer system may be subjected, including the following:

(1) Where the system is not maintained at a temperature near its operating temperature, expansion loops must be used to minimize stresses resulting from thermal changes;

(2) Bellows type expansion joints may not be used unless the system is maintained at a temperature near its operating temperature;

(3) Slip type expansion joints are prohibited;

(4) A suitable means must be provided to precool the piping in a manner that prevents excessive stress before transferring cold fluids; and

(5) Stress due to thermal and hydraulic shock must be determined and accommodated by the strength of materials, dash pots, or the operating speed of valves, as necessary.

§ 193.605 Shutdown control system.

(a) Each transfer sytem must be equipped with an automatic redundant shutdown control system to minimize the amount of fluid which could discharge from the transfer system in the event of a failure. The control system must automatically shutdown appropriate valves and pumping equipment and provide automatic bleed when any of the following occurs:

(1) A piping failure;

(2) Overfilling the receiving vessel;

(3) Pressure outside the limits of the maximum and minimum allowable operating pressure;

(4) Temperature outside the range determined under § 193.205;

(5) Gas concentrations in the atmosphere exceeding 20 percent of the lower flammable limit; or

(6) A sudden flow change, pressure loss, or other condition indicating an accidental spill or potential spill.

(b) Transfer shutdown control systems must be power and manually operable at the valve and power operable at a location at least 50 feet from the valve.

(c) Shutoff valves much be located:

(1) At the inlet of each gasifier;

(2) On fluid return lines and on manifolds used in bulk transfer;

(3) At the connection of a transfer system with a pipeline;

(4) Near the extremities of each transfer system; and

(5) At any other location necessary to control a spill to comply with impounding and exclusion distance requirements of this part.

(d) Shutoff valves must be designed and installed so excessive strain in the piping system does not excessively stress the shutoff seats of the valves.

§ 193.607 Backflow.

Each transfer system must operate with a means to—

(a) Prevent backflow of liquid from a receiving vessel from causing a hazardous condition; and

(b) Maintain one-way flow where necessary for the integrity or safe operation of the LNG facility.

§ 193.609 Overfilling.

(a) Each transfer system must operate with a means to prevent overfilling of receiving vessel without manual intervention. The means must include—

(1) Setting a transfer system to pump a predetermined amount of liquid into a receiving vessel and to stop the transfer when that amount has been pumped;

(2) When the amount of liquid in the receiving vessel reaches the design load limit, activitation of the automatic shutdown system installed under § 193.605; or

(3) Transferring any overflow of liquid to an alternate receiving vessel.

(b) Each transfer system must be equipped with a means which alerts personnel when the amount of liquid in a receiving vessel approaches its design load limit. The alert must be given in time for the personnel to monitor the automatic shutoff and to safely terminate the transfer by manual operation if necessary.

§ 193.611 Cargo transfer systems.

Each cargo transfer system must have—

(a) A means of safely depressuring and venting each transfer line before disconnection;

(b) A means of safely purging each transfer line in which a significant amount of combustible mixture could remain after it is disconnected;

(c) In the case of hoses and arms, a design for—

(1) Operating temperatures encountered during transfers; and

(2) A bursting pressure of not less than five times the operating pressure;

(d) On transfer connections which operate at temperatures below −60° F (−51.1° C), flexible metallic hoses or pipe and swivel joints;

(e) Adequate support for transfer piping connections, taking into account potential ice formation;

(f) Connections which are designed for the operating temperatures and pressures encountered during transfers, and the anticipated frequency of any coupling and uncoupling;

(g) Return lines for vapor and gas to safely provide for displacement during transfer;

(h) A signal light at each control location of remotely located pumps or compressors used for transfer which indicates whether the pump or compressor is idle or in operation; and

(i) A means of communication between loading or unloading areas and any remotely located areas in which personnel are associated with the transfer operations.

§ 193.613 Marine transfer.

(a) For marine transfer, each transfer line must be equipped with an isolation valve located on shore near the approach to the pier or dock.

(b) Each operator shall provide that the general cargo handling and ship bunkering facilities on a marine pier do not present a hazard to transfer operations. The protection must include one of the following—

(1) Fixed transfer lines; or

(2) Adequate separation between transfer lines and the cargo handling and bunkering facilities to prevent an accident at the bunkering facilities from endangering the cargo transfer system.

(c) Underwater piping must be located or protected so that it is not exposed to damage from marine traffic.

§ 193.615 Tank car and tank truck transfer.

(a) For tank car and tank truck transfer operations, transfer procedures must be located at the transfer area.

(b) The transfer area must be designed to accommodate tank cars and tank trucks without excessive maneuvering. Tank trucks must exit the transfer area without backing.

(c) A cargo transfer system must be designed to prevent operation until the receiving tank vehicle is properly immobilized and secure.

§ 193.617 Emergency valve.

In addition to other valving required by this part, a cargo transfer system must be equipped with a shutoff valve for each liquid and each vapor line, including a common line to multiple transfer areas, located away from the transfer area where it can be operated readily during a controllable emergency.

Subpart H—Gasification Equipment

§ 193.701 Scope.

This subpart prescribes requirements for the design of gasification equipment in a new LNG facility or an existing facility which is replaced, relocated, or otherwise changed.

§ 193.703 General.

Gasifiers must comply with the requirements of this subpart and the other applicable requirements of this part.

§ 193.705 Fired gasifiers.

Fired gasifiers must be designed and fabricated in accordance with Section VIII, Division I, of the ASME Boiler and Pressure Vessel Code.

§ 193.707 Downstream pressure.

(a) The pressures in piping and equipment located downstream from each gasifier must be continuously monitored.

(b) Each operator shall provide an automatic control system to—

(1) Limit the flow of gas from a gasifier to a rate which will not overpressure downstream piping or equipment; and

(2) Limit the flow of LNG to the gasifier to a rate which will not overpressure the gasifier.

§ 193.709 Downstream temperature.

(a) Each operator shall determine the extremes of high and low temperature which equipment and piping located downstream from a gasifier can accept without adversely affecting its structural integrity or safety.

(b) Each operator shall provide an automatic control system to prevent the flow of gas or liquid from a gasifier at a temperature which will adversely affect the structural integrity or safety of the equipment or piping located downstream. The control system must be independent of all other flow control systems and must incorporate a line valve not used for any other purpose.

§ 193.711 Operational control.

(a) Gasifiers must be equipped with devices which monitor the temperature and pressure of the LNG and natural gas in the gasifiers.

(b) The rate of gasification must be maintained automatically to ensure that the temperature and pressure of LNG and natural gas are within the design limits of the gasifier.

(c) The gasifier must be operated in accordance with procedures designed to prevent thermal shock during the initiation of gasification.

(d) Each LNG facility must have control systems to stop the flow of LNG and other flammable fluids to gasifiers and related equipment when an emergency occurs in or near a gasifier.

(e) Manifold gasifiers must be equipped with two inlet valves in series to prevent LNG from entering an idle gasifier and a means to remove LNG which accumulates between the valves.

§ 193.713 Shutoff valves.

(a) Each shutoff valve located on transfer piping supplying LNG to a gasifier must meet the following applicable requirements—

(1) The valve must be near the gasifier;

(2) If the gasifier is installed in a building, the valve must be located outside the building near the emergency exit; and

(3) When the valve is located near an LNG container or in a place which would be inaccessible during a controllable emergency, the valve must also have an automatic control ssytem that will close the valve upon loss of pressure in the inlet line (excess flow); abnormally high temperature (fire); or low temperature liquid or gas downstream of the gasifier.

(b) A shutoff valve must be located on each outlet of a gasifier.

(c) If a gasifier heater is located in a building, a shutoff control must be located outside the building near an emergency exit.

(d) For gasifiers designed to use a flammable intermediate fluid, a shutoff valve must be located on the inlet and outlet line of the intermediate fluid piping system where they will be operable during a controllable emergency involving the gasifier.

§ 193.715 Relief devices.

The capacity of pressure relief devices required for gasifiers by § 193.905(b) is governed by the following:

(a) For heated gasifiers, the capacity must be at least 110 percent of rated natural gas flow capacity without allowing the pressure to rise above the gasifier's design maximum pressure.

(b) For ambient gasifiers, the capacity must be at least 150 percent of rated natural gas flow capacity without allowing the pressure to rise above the gasifier's design maximum pressure.

§ 193.717 Warning devices.

Each building which houses a gasifier or gasifier heater must have warning devices to alert personnel automatically of hazardous flammable mixtures or thermal radiation in the building.

§ 193.719 Combustion air intakes.

(a) Combustion air intakes to heated gasifiers and gasifier heaters must prevent the induction of a flammable mixture during normal operations.

(b) If a heated gasifier or gasifier heater is located in a building, the combustion air intake must be located outside the building.

Subpart I—Liquefaction Equipment

§ 193.801 Scope.

This subpart prescribes requirements for the design of natural gas liquifaction equipment in a new LNG facility or an existing facility which is replaced, relocated, or otherwise changed.

§ 193.803 General.

Liquefaction equipment must comply with the requirements of this subpart and the other applicable requirements of this part.

§ 193.805 Control of incoming gas.

A shutoff valve must be located on piping delivering natural gas to liquefaction equipment. Each valve must be actuated automatically by a shutdown control system—

(a) When a mixture of natural gas and air in the LNG facility near liqufaction equipment reaches 30 percent of the lower flammable explosive limit; and

(b) When an uncontrolled fire occurs in the LNG facility.

§ 193.807 Contaminants.

Each operator shall provide a means of—

(a) Monitoring the incoming gas to ensure that detrimental contaminants are removed; and

(b) Detecting an unsafe condition due to buildup of ice or other contaminants in the liquefaction equipment.

§ 193.809 Reverse flow.

Each multiple parallel piping system connected to liquefaction equipment must have devices to prevent reverse flow detrimental to safe operation of the liquefaction equipment.

§ 193.811 Cold boxes.

Each cold box in liquefaction equipment must be equipped with a means of detecting the concentration of natural gas in air in the insulation space. If the concentration reaches 5 percent of the lower flammable limit, purge gas must be introduced to reduce the concentration.

§ 193.813 Air in gas.

Where incoming gas to liquefaction equipment contains air, each operator shall provide a means of preventing a flammable mixture from occurring under any operating condition.

§ 193.815 Equipment supports.

Supports for liquefaction equipment must be protected against fire exposure or be protected against cold liquid, or both, if they are subject to such exposures.

Subpart J—Control Systems

§ 193.901 Scope.

This subpart prescribes requirements for the design and installation of control systems in a new LNG facility or an existing facility which is replaced, relocated, or otherwise changed.

§ 193.903 General.

(a) Control systems must comply with the requirements of this subpart and other applicable requirements of this part.

(b) Each control system must be capable of performing its design function under normal operating conditions, and in a controllable emergency to the extent that performance of that function is necessary to prevent a hazard from occurring.

(c) Control systems must be accessible for maintenance, including inspection and testing to verify their operating capability.

§ 193.905 Relief devices.

(a) Each operator shall determine—

(1) The pressures in components which may result from the closing of each control valve or combination of valves, taking into account the trapping of LNG or other fluid between valves; and

(2) The maximum rates of boiloff and expansion of fluid which may occur in each component during normal operation, particularly cooldown, and controllable emergencies.

(b) Each component containing a hazardous fluid must be equipped with automatic redundant relief devices which will release the contained fluid at a rate sufficient to limit the pressure in the component to not more than the design maximum pressure and not less than design minimum pressure.

(c) Manual overrides must be provided on relief devices for emergency operation.

(d) Relief devices must have vents installed in a manner to prevent a release of fluid from—

(1) Causing an emergency; and

(2) Worsening a controllable emergency.

(e) Primary vacuum relief devices must not let air into a component containing a flammable fluid.

(f) The set-point pressures of all adjustable relief devices must be sealed.

(g) Relief devices which are installed to limit minimum or maximum pressures may not be used to handle boiloff and flash gases generated in the normal operations of a component.

(h) During normal operation, relief devices may not be subjected to temperatures higher than temperatures at which they are designed to operate.

§ 193.907 Vents.

(a) Flammable fluids may not be vented into the atmosphere of a building.

(b) Discharge vents may not draw in air during operation.

§ 193.909 Sensing devices.

(a) Each operator shall determine the appropriate location for and install sensing devices as necessary to—

(1) Monitor the operation of components to detect a malfunction which could cause a hazardous condition if permitted to continue; and

(2) Detect the presence of fire and combustible gas in locations determined under § 193.1305(a)(2).

(b) Buildings in which flammable fluids are used or handled must be continuously monitored by gas sensing devices set to sound an alarm in the building and at the control center when the concentration of the fluid in air is not more than 5 percent of the lower flammable limit.

§ 193.911 Warning devices.

Each operator shall install warning devices in the control center and at other locations frequented by personnel to warn of potential or existing hazardous conditions detected by all sensing devices required by this part. Warnings must be given both audibly and visibly and must be designed to gain the attention of personnel. Warnings in the control center must indicate the location and cause of the existing or potential hazard.

§ 193.913 Discharge pressures and temperatures.

Sensing and flow control devices must be installed downstream from pumps, compressors, and pressure vessels to prevent the discharge of fluids at—

(a) A rate which would overpressure any downstream component; and

(b) A temperature which would damage any downstream component.

§ 193.915 Pump and compressor control.

(a) Each pump and compressor for flammable fluids must be equipped with—

(1) A control system, operable locally and remotely, to shut down the pump or compressor in a controllable emergency;

(2) A signal light at the pump or compressor and the remote control location which indicates whether the pump or compressor is in operation or idle; and

(3) Adequate valving to insure that the pump or compressor can be isolated for maintenance, including where pumps or compressors operate in parallel, a check valve on each discharge line.

§ 193.917 Control valves.

(a) Each operator shall determine the appropriate locations for, and install, control valves as necessary to—

(1) Protect downstream components from pressures and temperatures which are outside design limits;

(2) Prevent the backflow of fluids in components during normal operation and during malfunction or failure of the component, if such backflow could cause an emergency; and

(3) Shut off the flow of fluids in components in a controllable emergency.

(b) Each valve or combination of valves must—

(1) Have a failsafe design;

(2) Operate to stop fluid flow which would endanger the operational integrity of plant equipment; and

(3) Close at a rate to avoid fluid hammer which would endanger the operational integrity of a component.

§ 193.919 Shutdown control systems.

(a) So far as practicable, shutdown control systems must operate automatically. A reasonable delay may be programmed between warning and automated shutdown to provide for manual response, but a shutdown control system must not rely only on human initiation of the system.

(b) In the case of an LNG facility where components other than a control center are designed to operate unattended, a shutdown control system must be provided at the site of the components and at the control center to safely shut down all operations in an emergency.

§ 193.921 Control center.

Each LNG facility must have a control center from which operations and warning devices are monitored as required by §§ 193.1107 and 193.911. A control center must have the following capabilities and characteristics—

(a) It must be located apart or protected from other components so that it will not be made unusable during a controllable emergency;

(b) Control rooms must be ventilated and constructed so that personnel can use them during any controllable emergency;

(c) All remote control systems must be operable from the control center.

(d) Each control center must have personnel in continuous attendance while the LNG facility is in operation.

§ 193.923 Auxiliary controls.

(a) Each isolation and shutoff valve that is operable from the control center must have auxiliary control devices, including—

(1) One control device located in the immediate vicinity of each valve; and

(2) One control device located so that operating personnel can operate the valve even though a hazard has made the control center and the valve inaccessible.

(b) Each auxiliary control device must be—

(1) Readily accessible under emergency conditions; and

(2) Conspicuously marked with its designated function.

§ 193.925 Failsafe control.

Control systems for liquefaction equipment, storage tanks, and gasification equipment must be designed so that in the event of an electrical power failure or instrument failure, the system will go into a failsafe condition that is maintained until personnel take appropriate action either to reactivate the component served or to prevent a hazard from occurring.

§ 193.927 Sources of electrical power.

Electrical control systems, means of communication, lighting, and fire fighting systems must have two separate and redundant sources of electrical power which function so that the failure of one source does not affect the capability of the other source.

Subpart K—Construction

§ 193.1001 Scope.

This subpart prescribes requirements for the construction and installation of a new LNG facility or an existing facility which is replaced, relocated, or otherwise changed.

§ 193.1003 General.

Components must be constructed or installed to comply with the applicable design requirements of this part using construction personnel and inspectors who are qualified by training and experience in the various phases of construction to which they are assigned.

§ 193.1005 Construction procedures.

(a) Subject to the requirements of § 193.1017, each operator shall prepare and follow written procedures for construction or installation, as the case may be, of each component. The procedures must take into account the chemical composition of the components, the environment to which the components will be exposed, and the function which the finished product will perform. The procedures for joining components designed to contain any flammable or pressurized fluid must be tested to produce a joint which complies with the design and installation requirements of this part applicable to the finished product.

(b) Each test and inspection required by this subpart must be performed in accordance with a written procedure.

§ 193.1007 Identification of critical processes.

Each operator shall determine which construction and installation processes are critical to the structural integrity and safety of components.

§ 193.1009 Qualification of construction personnel.

Subject to the requirements of § 193.1017, for performing each process identified as critical under § 193.1007 and initial testing required by this subpart, each operator shall utilize only those personnel who have demonstrated their capability to satisfactorily perform the function by—

(a) Appropriate training in the methods and equipment to be used or related experience and prior accomplishments; and

(b) Performance on any generally accepted qualification test given by the operator.

§ 193.1011 Construction inspection.

(a) In addition to the initial inspection requirements of this subpart, all construction and installation activities must be inspected as frequently as necessary to—

(1) Assure that the construction and installation of components is in compliance with all applicable requirements of this subpart;

(2) Verify compliance with the applicable material, design, fabrication, installation, and initial testing provisions of this part; and

(3) Assure that the performance of personnel involved in processes identified as critical under § 193.1007 and initial testing required by this subpart is satisfactory.

(b) In addition to the requirements of paragraph (a) of this section, the construction of concrete storage tanks must be inspected in accordance with ACI-311-75.

§ 193.1013 Qualification of inspectors.

(a) In performing inspections required by § 193.1011 and initial inspections required by this subpart, each operator shall utilize only those personnel who have demonstrated their capability to satisfactorily inspect by—

(1) Experience in inspecting or performing the function to be inspected; and

(2) Performance on a generally accepted qualification test given by the operator.

(b) Each operator shall periodically determine whether inspectors are satisfactorily performing their assigned inspections.

§ 193.1015 Cleanup.

Each operator shall clean each component of plant equipment after con-

struction or installation to remove all detrimental contaminants which could cause a hazard during plant startup or operation.

§ 193.1017 Pipe welding.

(a) Each operator shall provide the following for welding on pressurized piping for LNG and other flammable fluids:

(1) Welding procedures and welders qualified in accordance with Section IX of the ASME Boiler and Pressure Vessel Code;

(2) When welding materials which must be impact tested, welding procedures selected to minimize degradation of low temperature properties of the pipe material; and

(3) When welding attachments to pipe, procedures and techniques selected to minimize the danger of burn throughs and stress intensification.

(b) Oxygen fuel gas welding is not permitted on flammable fluid piping with a a service temperature below −20°F (−28.9°C).

(c) Marking materials for identifying welds on pipe must be compatible with the basic pipe material.

(d) Surfaces of components that are subject to stress from internal pressure may not be field die stamped.

(e) Where die stamping is permitted, any identification marks must be made with a die having blunt edges to minimize stress concentration.

§ 193.1019 Piping connections.

(a) Piping connections must be welded, except where necessary for material transitions, instrument connections, and maintenance.

(b) Compression type couplings larger than ½ inch nominal pipe size may not be used for service temperatures below −20°F (−28.9°C).

§ 193.1021 Testing acceptance.

No person may place in service any component until it passes all inspections and tests prescribed by this subpart.

§ 193.1023 Testing, general.

(a) Each operator is responsible for testing and inspecting each component in accordance with this subpart to determine if it meets the applicable design, installation, and construction requirements of this part before placing it in operation.

(b) In establishing the test and testing procedure for each component, each operator shall take into account the potential hazard which would result from a failure of the component being tested. So far as practicable, tests must simulate operational conditions.

(c) After tests required by this subpart are completed, if welding is performed on a component to contain LNG or flammable fluid, the component must be retested.

§ 193.1025 Strength tests.

(a) A strength test must be performed on each component to determine whether the component is capable of performing the design function, taking into account—

(1) The design maximum pressure;

(2) The maximum weight of product which the component may contain or support; and

(3) The weight of ice and snow which may reasonably accumulate on the component resulting from weather and from conduction of cold from LNG or refrigerants.

(b) For piping, the test required by paragraph (a) of this section must include a pressure test conducted in accordance with Section 337 of ANSI B31.3, except that test pressures must be based on the design maximum pressure. Carbon and low alloy steel piping must not be pressure tested at metal temperatures below 35°F (1.5°C).

(c) All shells and internals of heat exchangers to which Section VIII, Division 1 or Division 2 of the ASME Boiler and Pressure Vessel Code applies must be pressure tested, inspected, and stamped in accordance therewith.

§ 193.1027 Nondestructive tests.

(a) The following welded pipe joints for LNG and flammable refrigerant service must be nondestructively tested as prescribed to indicate any defects which could adversely affect the integrity of the weld or pipe:

(1) 100 percent of all field welded and all shop welded circumferential buttwelds must be fully examined by radiographic or ultrasonic inspection;

(2) 100 percent of all field socket welds and fillet welds and all shop socket welds and fillet welds must be fully examined by liquid penetrant or magnetic particle inspection; and

(3) Where longitudinally welded pipe is used in transfer systems, 100 percent of the seam weld must be examined by radiographic or ultrasonic inspection.

(b) Load bearing metal shells of storage tanks must be radiographically tested in accordance with Section Q.7.6, API 620, Appendix Q, except that for shells of vertical cylindrical storage tanks and horizontal cylindrical, spherical, torus-pherical, ellipsoidal, or other surfaces of compound curvature, 100 percent of both longitudinal and meridional welds must be radiographically tested.

§ 193.1029 Leak tests.

(a) Each component must be initially tested to assure that the component will contain the product for which it is designed without leakage.

(b) Containers must be leak tested by a method appropriate to the design, construction, and maximum allowable operating pressure of the container.

(c) Shop fabricated containers and all flammable fluid piping must be leak tested to a minimum of the anticipated design maximum pressure after installation but before placing it in service.

(d) For a storage tank with vacuum insulation, the inner container, outer shell, and all internal piping must be tested for vacuum leaks in accordance with an appropriate procedure.

§ 193.1031 Testing control systems.

Each control system must be tested before being placed in service to assure that it has been installed properly and will function as required by this par.

§ 193.1033 Storage tank tests.

In addition to other applicable requirements of this subpart, metal and concrete low pressure LNG and flammable liquid storage tanks must be tested in accordance with Section Q.8 and Q.9 of API 620, Appendix Q, as applicable, except that—

(a) For the hydrostatic test, each tank must be filled with water to its maximum liquid level, and reduction of this water level in accordance with Section Q.9.1 is prohibited;

(b) For the pneumatic test, a pressure equal to 1.5 times the design maximum pressure must be applied to the gas space in the tank;

(c) The hydrostatic and pneumatic pressure tests must be maintained for a period of 36 hours after thermal stabilization;

(d) For a concrete shell, all surfaces not sealed by impervious sheeting must be tested to assure there is no leakage;

(e) For both metal and concrete tanks, a standup pressure test must be performed using multiple high precision tank pressure and temperature recorders and two precision atmospheric pressure recorders to assure that the tank is gas tight;

(f) The water test may not cause the total load on the foundation to exceed 100 percent of the design loading; and

(g) Reference measurements must be made with appropriate precise instruments to assure that lateral and vertical movement of the storage tank does not exceed predetermined design tolerances.

§ 193.1035 Inspection of materials.

Each operator shall inspect component materials to verify that they comply with the design specifications and are free of detrimental defects. The scope of the inspection must be commensurate with the hazard which would result from a failure of the component.

§ 193.1037 Construction records.

For the service life of the component concerned, each operator shall retain appropriate records of the following:

(a) Plans, specifications, and procedures for construction or installation;

(b) Each test given construction personnel and inspectors;

(c) Each inspection under § 193.1011; and

(d) Procedures for and results of tests and inspections required by this subpart.

Subpart L—Operations

§ 193.1101 Scope.

This subpart prescribes requirements for the operation of new and existing LNG facilities.

§ 193.1103 General.

(a) To operate an LNG facility, each operator shall utilize only those personnel who have demonstrated their capability to perform their assigned functions by—

(1) Appropriate training and related experience; and

(2) Performance on any generally accepted qualification test given by the operator.

(b) An operator may not permit any person to operate a component unless that person has successfully completed the training required by § 193.1115.

§ 193.1105 Operating procedures.

(a) Each operator shall prepare and follow written procedures for—

(1) Operating components;

(2) Periodically inspecting or testing components which are not continuously monitored to determine if they function in accordance with their operational or safety purposes;

(3) Responding to and correcting malfunctions of components, including taking action if—

(i) Pressure or temperature is outside operating limits; and

(ii) A component malfunctions because of contaminants;

(4) Purging and inerting components, including procedures to—

(i) Verify that the component has been adequately purged before introducing air or flammable fluids; and

(ii) Verify, as applicable, that noncombustible conditions are maintained between the out-of-service purge and the restoration of normal operation; and

(5) Cooldown of applicable components, including verifying that any cooldown fluid, if other than the system design fluid, is compatible with the materials of the component being cooled.

§ 193.1107 Monitoring operations.

Each operator shall continuously monitor those aspects of operations which significantly affect the integrity or safety of the LNG facility, including pressure and temperature, as applicable.

§ 193.1109 Emergency procedures.

(a) Each operator shall determine what controllable emergencies may reasonably be expected to occur at an LNG facility.

(b) Each operator shall prepare and follow written procedures for—

(1) Responding to controllable emergencies; and

(2) Recognizing an uncontrollable emergency and taking the necessary actions for public safety and the safety of personnel.

§ 193.1111 Personnel safety.

(a) Each operator shall determine the potential hazards to personnel involved in operating and maintenance activities and provide suitable protective clothing and equipment necessary for the safety of personnel while they are conducting their duties.

(b) Each LNG facility must have a shelter to provide protection for all personnel against thermal radiation from a burning pool of impounded liquid. The shelter must have a water supply adequate for the immersion of burned personnel.

§ 193.1113 Personnel participation.

Each operator shall develop and follow a program to verify that the personnel assigned to the operation of critical components and processes are mentally and physically able to carry out their assigned functions.

§ 193.1115 Training.

Each operator shall provide:

(a) An initial training program for operating and maintenance personnel to instruct them:

(1) About the characteristics and hazards of LNG and other flammable fluids used at the facility, including low temperatures, flammability of mixtures with air, odorless vapor, boiloff characteristics, and reaction to water and water spray;

(2) For operating personnel, in the appropriate aspects of operating plant equipment and to carry out the operating procedures under § 193.1105; and

(3) To carry out the emergency procedures under § 193.1109.

(b) A continuing training program to keep operating and maintenance personnel current on the knowledge and skills they gained in the initial training.

§ 193.1117 Transfer procedures.

(a) Each operator shall prepare and follow written procedures for the transfer of LNG and other flammable fluids between all credible combinations of process areas, impoundment systems, sump basins, storage tanks, containers, tank cars, tank trucks, marine vessels, and pipelines as are likely to occur at the LNG facility.

(b) The transfer procedures must provide for at least one person to be in constant attendance during all transfer operations.

(c) The transfer procedures must include provisions for personnel to:

(1) Verify that transfer systems have been adequately purged, if appropriate, and are ready for transfer operations with connections and controls in proper positions;

(2) Verify that the receiving vessels comply with the applicable codes and regulations for the intended use and that all transfer hoses have been visually inspected for damage or defects;

(3) Verify that the receiving vessels do not contain any substance that would be incompatible with the incoming fluid and that there is sufficient capacity available to receive the amount of fluid to be transferred;

(4) Verify the maximum filling volume of any vessel to ensure that expansion of the liquid due to warming will not result in over filling or over pressurization;

(5) Precool or cooldown transfer lines and associated equipment where applicable at a rate and distribution pattern that will not cause excess thermal stresses or damaging forces on the system, paying particular attention to expansion and contraction devices to determine that they are performing properly;

(6) Verify the acceptable flow rates and control the flow rates to prevent overpressure or overfilling with sufficient monitoring of applicable flow rates, liquid levels, vapor returns, pressures and other significant data to verify that the transfer operations are proceeding within design conditions;

(7) Determine any differences in temperature or specific gravity between the fluid being transferred to a vessel and the fluid already in the vessel when making bulk transfer and if applicable provide means to prevent stratification;

(8) Manually terminate the flow before overfilling occurs; and

(9) Deactivate cargo transfer systems in a safe manner by depressurizing, venting, and disconnecting lines and other appropriate operations.

(d) In addition to the requirements of paragraph (c) of this section, the procedures for transfer of liquids into and from tank cars and tank trucks must include provisions for personnel to:

(1) Verify that tank trucks are positioned so that they need not exit the transfer area by backing;

(2) Prohibit the backing of a tank truck in the transfer area, except when a person is positioned at the rear of the tank truck giving instructions to the driver;

(3) Verify that the vehicle engine is shut off prior to transfer operations, unless it is required for the transfer operations, and that it is not restarted until the transfer lines have been disconnected and any release vapors have dissipated;

(4) Prevent loading LNG into a tank car or tank truck which is not in exclusive LNG service, or if in exclusive service, which does not contain a positive pressure, until after the oxygen content in the container is tested and purged if it exceeds 2 percent by volume;

(5) Before connecting a transfer line and beginning the flow of liquid, verify that a tank car or tank truck has been immobilized, secured, and electrically grounded, and for tank cars and tank vehicles which are top loaded through an open dome, electrically bonded to the fill piping or grounded prior to opening the dome in accordance with Section 550 of NFPA–77;

(6) Verify that all transfer lines have been disconnected and equipment cleared before the vehicle is moved from the transfer position; and

(7) Verify that transfers into pipeline systems will not exceed the pressure or temperature limits of the system.

(e) An operator may not begin a marine transfer until:

(1) The officer-in-charge of the vessel and the person-in-charge of the shore terminal have:

(i) Inspected their respective facilities to ensure that transfer equipment is compatible and in proper operating condition;

(ii) Met and approved the transfer procedure;

(iii) Verified that adequate ship-to-shore communications exist; and

(iv) Reviewed emergency procedures; and

(2) The operator determines that the loading and unloading of general cargo and bunkering will be performed under strict supervision to prevent develop-

ment of potential hazards when transfer operations are in progress.

§ 193.1119 Protecting transfer operations.

During cargo transfer operations, personnel and warning signs or barricades must be used to:

(a) Protect the transfer area from sources of ignition, including sparking tools, static electricity, smoking, and open flames; and

(b) Prohibit vehicle traffic near transfer lines and manifolds.

§ 193.1121 Investigation of failures.

(a) Each operator shall investigate and determine the cause of each malfunction of a component which results, or could have resulted, in:

(1) Death or personal injury requiring hospitalization; or

(2) A threat to the operational integrity or safety of the LNG facility.

(b) Each operator shall take appropriate corrective action as a result of such investigations and except for a malfunction reported in a leak report under Part 191 of this chapter, report the incident to the Secretary within 30 days.

§ 193.1123 Security; procedures and personnel.

(a) Each operator shall prepare and follow written procedures to provide security for each LNG facility. The procedures must include, at least:

(1) A plan and description of the facility depicting the function and characteristics of all critical components.

(2) Normal operating temperatures and pressure ranges of critical components.

(3) Characteristics of potential hazards involving a critical component caused by malfunctions or damage.

(4) Personnel duties, stating the nature and frequency, as applicable, or security checks and inspections.

(5) Instructions for actions to be taken, including notification of other facility personnel and public officials, in the event of a:

(i) Potential and actual operational irregularity;

(ii) Potential and actual breach of security; and

(iii) Potential and actual emergency.

(6) Liaison with appropriate public officials, including police and fire officials, notifying them of the plans and procedures for security.

(7) Alternative means of notifying police and fire officials when a breach of security occurs.

(b) Personnel responsible for maintaining security at an LNG facility must be:

(1) Appropriately trained to carry out the security procedures under paragraph (a) of this section,

(2) Physically capable, and properly equipped to perform all functions of their assigned duties; and

(3) Familiar with plant functions and emergency procedures.

§ 193.1125 Security; enclosures required.

(a) Except as provided in paragraph (c) of this section, an LNG facility must be surrounded by a protective enclosure which is designed, operated, and maintained in accordance with this subpart to prevent unauthorized access to the facility.

(b) The enclosure must be located a sufficient distance from each of the following critical components to minimize the opportunity for sabotage, or intentional damage to a component, but not less than the minimum distance from the critical component to the site boundary prescribed by § 193.123:

(1) Storage tank;

(2) Processing equipment,

(3) Gasifier,

(4) Transfer piping;

(5) Cargo transfer system;

(6) Control systems and center,

(7) Fire protection equipment,

(8) Hazardous materials storage area.

(c) Paragraph (a) of this section does not apply to: (1) A component which is:

(i) Outside the general plant area; and

(ii) Protected by a separate enclosure in accordance with this subpart; and

(2) A component which:

(i) Is located within a building used primarily for purposes other than housing the component; and

(ii) Is either: (A) Continuously monitored by operating personnel who maintain communications with personnel at other locations in a manner designed to provide a warning of potential danger to the component; or

(B) Protected against unauthorized access by locked entries.

§ 193.1127 Security; enclosure design.

(a) A protective enclosure must have sufficient strength and be constructed and maintained in a manner to protect against unauthorized entry.

(b) Ground elevation outside an enclosure must be graded in a manner that will not impair the effectiveness of the enclosure.

(c) Culverts, gullys, or depressions necessary for drainage under an enclosure must be blocked by fixed grating or grills capable of providing security equal to that of the enclosure.

(d) An enclosure may not be located near topographical features, such as trees, poles, or buildings, which could be used to breach the security afforded by the enclosure.

§ 193.1129 Security; enclosure accesses.

(a) At least two accesses, located so that escape routes will be the safest for personnel in the event of an emergency, must be provided in enclosures having a perimeter length up to 200 feet. One additional access located for maximum safety of escape must be provided for each additional 200 feet of enclosure length, except that an access need not be provided where it only would reduce the distance for escape by less than 10 percent or change the direction for escape by less than 22.5°.

(b) When an LGN facility is in operation, each enclosure access must be locked except when guarded, during passage of authorized personnel, and in an emergency. During normal operations, an enclosure access may be unlocked only by persons designated by the operator to maintain the security of the enclosure. During an emergency, a means must be available to each person within the enclosure to unlock each enclosure access.

(c) Where enclosure accesses are guarded:

(1) A guard must be in continuous attendance to prevent unauthorized access to the facility; and

(2) A means must be provided for direct communication between the access guard and personnel at other locations.

§ 193.1131 Security; lighting.

In addition to lighting required for operation, each LNG facility must be sufficiently lighted to provide for inspecing the condition of each critical component and to monitor the facility area for trespass.

§ 193.1133 Security; monitoring.

(a) Each LNG facility must be continuously monitored within the enclosure for the presence of unauthorized personnel and malfunctioning critical components.

(b) Where critical components and the facility area are not monitored by direct visual observation, closed circuit television with directionally controllable cameras must be used.

(c) In addition to the requirement of paragraph (b) of this section, each LNG facility with a storage capacity of 250,000 barrels, or more, of LNG, must be monitored with security warning systems which operate based on circuit continuity, induction fields, photoelectrics, proximity sensors, or similar detection principles.

§ 193.1135 Security; warning signs.

(a) Where the boundary of the exclusion zone of an LNG facility is located outside the protective enclosure, warning signs must be placed along the boundary so that anyone approaching the site will have a clear indication of:

(1) The presence of an LNG facility;

(2) The location of the exclusion zone boundary; and

(3) Potential hazards associated with the exclusion zone.

(b) Warning signs must be conspicuously placed along each protective enclosure, at intervals so that at least one sign is recognizable during daylight from a distance of 100 feet from any point of approach to the enclosure. Signs must be marked with the following on a background of sharply contrasting color:

(1) The words "Warning," "Liquefied Natural Gas Facility," and "Do Not Trespass," or words of comparable meaning.

(2) The name of the operator and the telephone number where the operator can be reached at all times.

§ 193.1137 Maximum allowable operating pressure.

(a) Each operator shall determine the maximum and minimum allowable operating pressure of components containing hazardous fluids.

(b) A component may not operate outside the limits of its maximum and minimum allowable operating pressures during normal operation.

§ 193.1139 Purging.

(a) Components that could accumulate significant amounts of combustible mixtures must be purged in a safe manner after being taken out of service and before being returned to service.

(b) During purging operations, a component must be checked to assure that a combustible mixture is not produced.

§ 193.1141 Operating records.

Each operator shall maintain daily records to describe the actual performance of critical components.

Subpart M—Maintenance

§ 193.1201 Scope.

This subpart prescribes requirements for maintaining new and existing LNG facilities.

§ 193.1203 General.

(a) Each component must be maintained in a condition that—(1) Is compatible with its operational or safety purpose; and (2) Provides protection against contaminants, deterioration, and misalignment with other components that would impair its operational or safety purpose.

(b) Each operator shall repair, replace, or remove any component which does not meet its operational or safety purpose.

(c) When repairs are made while a component is operating, each operator shall take appropriat precautions to maintain the safety of the facility and personnel during repair activities.

(d) To the greatest extent practicable, repair work must comply with the applicable construction requirements of Subpart K of this part.

§ 193.1205 Maintenance procedures.

(a) Subject to other applicable requirements of this subpart, each operator shall determine and perform consistent with generally accepted engineering practices, the periodic inspections or tests needed to verify that components meet the maintenance standards prescribed by this subpart. A periodic inspection or test must establish the following, as applicable:

(1) Whether a component is compatible with its operational or safety purpose;

(2) Whether a component is being subjected to blockage by foreign material, contaminants, or ice;

(3) Whether each control system is properly adjusted;

(4) Whether any foundation, whose failure could reasonably be expected to cause a significant hazard, has experienced a detrimental change; and

(5) Whether a power source is sufficient to supply all connected equipment, taking into account simultaneous operations and startup.

(b) Each operator shall prepare and follow written maintenance procedures which prescribe the details of the inspections or tests determined under paragraph (a) of this section and their frequency of performance.

§ 193.1207 Maintenance of fire fighting equipment.

All fire fighting equipment must be inspected and maintained in accordance with the manufacturers recommendations and Chapter 5 of NFPA Standard 10.

§ 193.1209 Isolating and purging.

Components which are isolated for maintenance must be purged of hazardous fluids before personnel begin maintenance activities. If the component or maintenance activity provides an ignition source, a method, in addition to an isolation valve, must be used to prevent leakage of a hazardous fluid into the component.

§ 193.1211 Testing repairs.

So far as practicable, each operator shall test repaired components according to the requirements of Subpart K of this part under which the component was initially tested.

§ 193.1213 Contaminants.

(a) Each operator shall determine—(1) The components of plant equipment in which contaminants may accumulate to impair the operational or safety purpose of the component; (2) The types of contaminants which may accumulate in each component; and (3) The effect on components of the accumulation of contaminants.

(b) Each operator shall periodically inspect or test for contaminants in components identified under paragraph (a) of this section and remove any accumulation of contaminants which could impair the operational or safety purpose of the components.

§ 193.1215 Testing control systems.

After an initial test under § 193.1031, each control system must be subsequently inspected and tested as frequently as needed to verify that each system stays within design requirements, but at intervals not exceeding 12 months and before returning to service after a shutdown of one month or more.

§ 193.1217 Testing transfer hoses.

Hoses used in LNG or flammable refrigerant transfer systems must be tested at intervals not exceeding 12 months to the maximum pump pressure or relief valve setting and must be visually inspected for damage or defects before each use.

§ 193.1219 Inspecting storage tanks.

Each new storage tank in operation must be inspected using appropriate instruments, as prescribed, to assure that each of the following conditions is not a potential hazard to the structural integrity or safety of the tank:

Condition	*Inspection*
(1) Vertical and lateral movement, distortion, and other dislocation of the foundation, tank structure, and transfer lines.	At 3-month intervals for first 3 years of service, thereafter at 12-month intervals, and within a week after a major meteorological or geophysical disturbance, using reference monuments and theodolites.
(2) Stratification of cryogenic liquids.	Before and after each addition of LNG to tank but at least at 3-month intervals, using (1) sample lines at vertical intervals not more than 10 percent of design height of liquid, and (2) appropriate analyzers.
(3) Thermal gradients in tank structure.	At 3-month intervals and when cold spots are evident, using thermocouples, infrared scanners, or similar devices.

§ 193.1221 Maintenance records.

Each operator shall keep a record of the date and type of each maintenance activity performed on each component as required by this subpart, including periodic tests and inspections, for 5 years after the activity.

Subpart N—Fire Prevention

§ 193.1301 Scope.

This subpart prescribes requirements for design and performance of fire prevention and fire protection equipment, systems, and methods for new and existing LNG facilities.

§ 193.1303 General.

Each operator shall provide fire protection equipment, systems, and methods to comply with this subpart. To the extent practicable, an LNG facility must be operated and maintained in a manner that will minimize—

(a) The potential for the accidental release of flammable liquids or gases;

(b) The incidence of fires; and

(c) The consequences of a fire should it occur.

§ 193.1305 Fire prevention plan.

(a) Each operator shall determine—

(1) In consultation with local fire department officials, the potential causes of fires which could affect each LNG facility; and

(2) Those areas of an LNG facility where the potential exists for the presence of flammable liquids or gases in accordance with Section 500–4 of NFPA–70.

(b) Each operator shall prepare and follow written fire prevention procedures to—

(1) Post areas determined under paragraph (a)(2) of this section with warning signs;

(2) Reduce to a minimum the leakage or release of flammable liquids or gases;

(3) Prohibit smoking, open fires, and other similar ignition sources except in designated and properly posted area;

(4) Prohibit welding, cutting, and similar operations except at times and places specifically authorized and constantly supervised in accordance with Section 4 of NFPA–51B;

(5) Prohibit the storage of flammable or combustible materials in areas with ignition sources;

(6) Purge piping or a container of a combustible mixture when it is being placed into, returned to, or taken out of service; and

(7) Prohibit vehicles and other mobile equipment which constitute potential ignition sources in the area of process equipment containing LNG, flammable liquids, or flammable refrigerants except when specifically authorized and under constant supervision.

§ 193.1307 Fire fighting plan.

(a) Each operator shall determine the types of potential fires within the LNG facility, the predictable consequences of these fires, and the potential subsequent failures which could add to the consequences of these fires.

(b) Each operator shall prepare and follow detailed procedures to cover potential fire emergencies with emphasis on cutting off the flows of potential fuels, isolation of equipment and containers of fuels, depressuring endangered pressurized equipment, and other applicable steps to cut off or reduce the escape of gas or liquid.

(c) Each operator shall provide fire fighting protection for components whose failure due to fire exposure could cause an emergency. The protection must be located near the places determined under paragraph (a) of this section and include at least the following.

(1) Portable or wheeled fire extinguishers suitable for gas fires, preferably of the dry chemical type, which meet the requirements of Chapter 4 of NFPA–10; and

(2) If the total inventory of LNG and flammable refrigerants is more than 2,000 barrels, water supply and associated equipment, adequate for the purpose of protecting cooling equipment and piping, and controlling unignited leaks and spills.

(d) The design of the water supply system and the method of water distribution for fire protection must be determined by the fire exposure, both within and external to the facility, and in accordance with good fire protection practices for LNG facilities.

(e) Each operator shall provide LNG facility personnel suitable protective clothing and equipment for use in fire fighting operations. Self-contained breathing apparatus must be available if appropriate.

(f) All emergency controls and fire fighting equipment must be conspicuously located and marked for easy recognition and accessibility. Any special or precautionary instructions for their use must be placed at the equipment location.

(g) Each operator shall provide portable flammable gas indicators and make them readily available for use by the LNG facility personnel within process areas.

§ 193.1309 Coordination with public safety agencies.

Each operator shall cooperate with local fire departments, law enforcement agencies, and civil defense agencies in fire fighting and handling other emergencies at the LNG facility. Such cooperation must include familiarization with the LNG facilities, familiarization with potential hazards at the facility, including potential causes and areas of fires determined under § 193.1305(a) and determinations under § 193.1307(a), coordination of respective fire fighting efforts, direct communications, and public protection and control.

§ 193.1311 Training.

Each operator shall establish, implement, and maintain a program of instruction necessary to have all LNG facility personnel appropriately trained to—

(a) Know and obey the fire safety rules and plans of this subpart that relate to their assignments;

(b) Recognize potential causes and areas of fires determined under § 193.1305(a), predictable consequences and failures determined under § 193.1307(a), and breaches of security affecting both the facilty and personnel; and

(c) Know and be able to perform their assigned duties according to the established procedures for fire fighting.

§ 193.1313 Records.

(a) Each operator shall establish a system of records which—

(1) Provides evidence that the training programs required by § 193.1311 have been implemented and maintained; and

(2) Provides evidence that personnel who have undergone the required training programs have satisfactorily attained the proficiency goals of such programs.

(b) Records must be maintained until 3 years after personnel are not assigned duties at the facility.

Subpart O—Corrosion Control

§ 193.1401 Scope.

This subpart prescribes requirements for the protection of new and existing LNG facilities from external, internal, and atmospheric corrosion to provide for the integrity and reliability of facilities over their service life.

§ 193.1403 General.

Each operator shall prepare and follow corrosion control procedures to meet the requirements of this subpart. These procedures, including those for the design, installation, operation, and maintenance of cathodic protection systems, must be carried out by, or under the direction of, a person qualified by experience and training in corrosion control methods.

§ 193.1405 Corrosion control overview.

An LNG facility may not be constructed, replaced, or repaired until a person described in § 193.1403 reviews the applicable design drawings and material specifications to assure that the materials involved will not imperil the safety or reliability of the facility from a corrosion control viewpoint.

§ 193.1407 Atmospheric corrosion control.

Except for materials specifically designed to prevent atmospheric corrosion, each component whose integrity or reliability could be adversely affected by atmospheric corrosion must be protected by a suitable coating or jacketing material.

§ 193.1409 External corrosion control: buried or submerged components.

(a) Except for components that are protected from external corrosion specifically by material design and selection, each metal component, including any metal reinforcing material, that is in direct contact with soil, water, concrete, sand, or gravel must be protected from detrimental corrosion that may impair its operational integrity or reliability. The protection must include in the contacted area—

(1) An external protective coating designed and installed to prevent corrosion attack and to meet the requirements of § 192.461 of this Chapter; and

(2) Except for reinforcing material located above ground in concrete, a supplemental cathodic protection system designed to protect the component in its entirety in accordance with Appendix D to Part 192 of this Chapter, placed in operation immediately after installation.

(b) Where cathodic protection is applied, components that are electrically interconnected must be protected as a single unit.

§ 193.1411 Internal corrosion.

Each operator shall determine which components are subject to internal corrosive attack, and take appropriate steps to protect the components against failure due to internal corrosion.

§ 193.1413 Environmentally induced cracking.

To the extent practical under available technology, each component must be protected from failure resulting from, or a combination of, corrosion fatigue, stress corrosion cracking, hydrogen embrittlement, and hydrogen stress cracking.

§ 193.1415 Interference currents.

(a) Each LNG facility that is subject to electrical current interference must have in effect a continuing program to minimize the detrimental effects of currents.

(b) Each cathodic protection system must be designed and installed so as to minimize any adverse effects it might cause to adjacent metallic components.

(c) Each impressed power source must be filtered at input and output circuits to prevent unintended interference with control networks.

§ 193.1417 Contaminants.

Each component must be cleaned of contaminants before being placed in operation or returned to operation, including the following:

(a) The operator shall determine the effect of each contaminant or combination thereof on the mechanical behavior of the material.

(b) All flux residues used in brazing or soldering must be removed from the joints and the base metal to prevent corrosive solutions from being formed.

(c) All solvent type cleaners must be tested to ensure that they will not damage equipment integrity or reliability.

(d) Alloy welded joints must be protected against weld decay and carbide precipitation in the heat affected zone.

(e) Incompatible chemicals must be removed.

(f) All contaminants must be captured and disposed of in a manner that does not reduce the effectiveness of corrosion protection and monitoring provided as required by this subpart.

§ 193.1419 Monitoring corrosion control.

Corrosion protection provided as required by this subpart or provided by material design and selection must be monitored for early recognition of ineffective corrosion protection, including the following, as applicable:

(a) Each critical bond installed to correct electrical current interference problems must be tested at intervals not exceeding 2 months to assure that it is performing its function.

(b) Each critical reverse current switch or diode installed to correct electrical current interference problems must be tested at intervals not exceeding 2 months to assure that it is performing its function.

(c) External and atmospheric corrosion protection must be evaluated at intervals not exceeding 6 months to determine its adequacy.

(d) Internal corrosion protection must be monitored at intervals not exceeding 4 months to determine its adequacy.

(e) Each device used to determine the adequacy of internal corrosion protection, such as coupons or probes, must be located where corrosion occurs, not midstream or flow center.

(f) Each component must be monitored periodically to determine the adequacy of protection provided against environmentally induced cracking under § 193.1413.

(g) Except for a failure reported in a leak report under Part 191 of this chapter, each component failure caused by corrosion which occurs before the end of the component's service life must be reported to the Secretary within 30 days after the failure.

(h) Each cleaning solution used to wash components must be checked for contaminants that can increase corrosion rates.

(i) Corrosion rate data must be obtained annually for external, internal, and atmospheric corrosion attack and used to adjust protection systems as necessary.

§ 193.1421 Remedial measures.

Prompt corrective or remedial action must be taken whenever an operator learns by inspection or otherwise that atmospheric, external, or internal corrosion or environmentally induced cracking is not controlled as required by this subpart.

§ 193.1423 Corrosion control records.

(a) Each operator shall maintain records or maps to show the location of cathodically protected components, neighboring structures bonded to the cathodic protection system, and corrosion protection equipment.

(b) Each of the following records must be retained for as long as the LNG facility remains in service:

(1) Each record or map required by paragraph (a) of this section.

(2) Records of each test, survey, or inspection required by this subpart, in sufficient detail to demonstrate the adequacy of corrosion control measures or that a corrosive condition does not exist.

APPENDIX A

I. LIST OF ORGANIZATION AND ADDRESSS

A. American Concrete Institute (ACI), P.O. Box 19150, Redford Station, Detroit, Michigan 48219.

B. American Gas Association (AGA), 1515 Wilson Boulevard, Arlington, Virginia 22209.

C. American National Standards Institute (ANSI), 1430 Broadway, New York, New York 10018.

D. American Petroleum Institute (API), 1801 K Street, NW., Washington, D.C. 20006.

E. American Society of Mechanical Engineers (ASME), United Engineering Center, 345 East 47th Street, New York, New York 10017.

F. International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601.

G. National Fire Protection Association (NFPA), 470 Atlantic Avenue, Boston, Massachusetts 02210.

II. DOCUMENTS INCORPORATED BY REFERENCE

A. American Concrete Institute (ACI)

1. ACI Standard 311-75 "Recommended Practice for Concrete Inspection," 1975 edition, (ANSI A188.2).

2. ACI Standard 318-71 "Building Code Requirements for Reinforced Concrete," 1971 edition, (ANSI A89.1).

3. ACI Standard 67-40 "Design and Construction of Circular Prestressed Concrete Structures," 1970 edition.

B. American Gas Association (AGA)

1. "American Gas Association Project IS-3-1, LNG Safety Program, Interim Report on Phase II Work," July 1, 1974.

C. American National Standards Institute (ANSI)

1. ANSI B31.3 "Petroleum Refinery Piping," 1973 edition.

D. American Petroleum Institute (API)

1. API Standard 620 "Recommended Rules for Design and Construction of Large, Welded, Low Pressure Storage Tanks," Fifth edition, July 1973, (ANSI B184.1).

E. American Society of Mechanical Engineers (ASME)

1. ASME Boiler and Pressure Vessel Code Section I, Power Boilers, 1974 edition.

2. ASME Boiler and Pressure Vessel Code, Section VIII, Division 1, Pressure Vessels; Division 2, Alternative Rules, Pressure Vessels, 1974 edition.

3. ASME Boiler and Pressure Vessel Code, Section IX, Welding and Brazing Qualifications, 1974 edition.

F. International Conference of Building Officials

1. Uniform Building Code, 1976 edition.

G. National Fire Protection Association (NFPA)

1. NFPA Standard 10 "Installation, Maintenance and Use of Portable Fire Extinguishers," 1975 edition.

2. NFPA Standard 37 "Stationary Combustion Engines and Gas Turbines," 1975 edition.

3. NFPA Standard 51B "Fire Prevention in Use of Cutting and Welding Processes," 1976 edition.

4. NFPA Standard 70 "National Electrical Code," 1975 edition.

5. NFPA Standard 77 "Recommended Practice on Static Electricity," 1972 edition.

[FR Doc.77-11359 Filed 4-20-77;8:45 am]

federal register

THURSDAY, APRIL 21, 1977

PART IV

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

■

STUDENT ASSISTANCE PROGRAMS

Public Meetings on Proposed Rules

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Parts 144, 168, 175, 176, 178, 178a, and 190]

STUDENT CONSUMER INFORMATION; STATE STUDENT ASSISTANCE TRAINING; STUDENT ELIGIBILITY; PROCEDURES FOR LIMITATION, SUSPENSION, OR TERMINATION OF INSTITUTIONAL ELIGIBILITY

Public Meetings on Notices of Proposed Rulemaking

AGENCY: Office of Education, HEW.

ACTION: Notice of public meetings on proposed rules.

SUMMARY: Notices of Proposed Rulemaking were published in the FEDERAL REGISTER of April 8, 1977 (42 FR 18738–18752) concerning the following subjects: 1. Institutional and Financial Assistance Information for Students (Student Consumer Information) (issued under authority of section 131(b), Pub. L. 94–482, the Education Amendments of 1976);

2. Incentive Grants for State Student Financial Assistance Training Programs (issued under authority of section 131 (b), Pub. L. 94–482);

3. Eligibility for Student Assistance (issued under authority of section 132, Pub. L. 94–482); and

4. Procedures for Limitation, Suspension, or Termination of Institutional Eligibility for programs under Title IV of the Higher Education Act of 1965, as amended (issued under authority of section 133(a), Pub. L. 94–482).

This document schedules public meetings on these proposed rules.

DATES: Public meetings will be held in six HEW regions. The date and time for each meeting follow:

REGION I

May 4, 1977, 9 a.m. to 5 p.m.

REGION III

May 2, 1977, 9 a.m. to 5 p.m.

REGION IV

May 2, 1977, 9 a.m. to 5 p.m.

REGION V

May 6, 1977, 9 a.m. to 5 p.m.

REGION VI

May 4, 1977, 8:30 a.m. to 4:30 p.m.

REGION IX

May 6, 1977, 9 a.m. to 5 p.m.

ADDRESSES: The public meetings will be held at the following locations:

REGION I

Boston, Massachusetts, at Northeastern University, 360 Huntington Avenue, E11 Student Center, Ballroom.

REGION III

Washington, D.C., at Howard University, Georgia Avenue at Harvard Street NW., School of Social Work, Auditorium.

REGION IV

Atlanta, Georgia, at Morris Brown College, 643 Martin Luther King, Jr. Drive SW., Hickman Student Center, Cunningham Auditorium.

REGION V

Chicago, Illinois, at Bismarck Hotel, Randolph and LaSalle Streets, Green Briar Room.

REGION VI

Austin, Texas, at the University of Texas at Austin, 26th and Red River Streets, Joe C. Thompson Conference Center, Room 2–102.

REGION IX

San Francisco, California, at University Extension Center, 55 Laguna Street, Auditorum, Room 202.

Send comments on the proposed rules to Mr. John R. Proffitt, Director, Division of Eligibility and Agency Evaluation, Room 3030, Regional Office Building 3, 7th and D Street SW., Washington, D.C. 20202, 202–245–9873.

FOR FURTHER INFORMATION CONTACT:

REGION I

Dr. Russell Ruffino, Assistant Regional Commissioner for Postsecondary Education, Office of Education, HEW, John F. Kennedy Federal Building, Boston, Massachusetts 02203, 617–223–7229.

REGION III

Dr. S. Kirkwood Yarman, Assistant Regional Commissioner for Postsecondary Education, Office of Education, HEW, P.O. Box 13716, 3535 Market Street, Philadelphia, Pennsylvania 19101, 215–596–1030.

or

Dr. Richard L. McVity, Chairman, Task Force on Regulations, Bureau of Postsecondary Education and Bureau of Student Financial Assistance, Office of Education, HEW, Regional Office Building 3, Room 3662, 7th and D Streets SW., Washington, D.C. 20202, 202–472–4585.

REGION IV

Dr. Carmelo L. Battaglia, Assistant Regional Commissioner for Postsecondary Education, Office of Education, HEW, Room 555, 50 Seventh Street NE., Atlanta, Georgia 30323, 404–881–2891.

REGION V

Dr. Peter S. Mousolite, Assistant Regional Commissioner for Postsecondary Education, Office of Education, HEW, 300 South Wacker Drive, Chicago, Illinois 60606, 312–353–0198.

REGION VI

Dr. Carroll V. Galbreath, Assistant Regional Commissioner for Postsecondary Education, Office of Education, HEW, 1200 Main Tower Dallas, Texas 75202, 214–655–3811.

REGION IX

Dr. Warren R. Tappin, Jr., Assistant Regional Commissioner for Postsecondary Education, Office of Education, HEW, Federal Office Building, 50 United Nations Plaza, San Francisco, California 94102, 415–556–7918.

SUPPLEMENTARY INFORMATION:

INSTRUCTIONS FOR COMMENTS

Comment procedures for these proposed rules are as follows:

1. Interested persons desiring to comment on any or all of these proposed rules during a particular hearing should register before the hearing by writing or telephoning the contact person for the city where they wish to be heard. Preference will be given to those who register by April 28, 1977, but efforts will also be made to accommodate those who register on the day of the hearing.

2. Since the Commissioner anticipates that a substantial number of persons will wish to comment at these meetings, it would be appreciated if oral presentations were limited to 15 minutes. Because the oral presentation by any person will be limited, submission of written comments is also encouraged. These should be addressed to the address indicated for comments at the beginning of this preamble.

3. Persons who register or submit written comments should provide their name, address, telephone number, and (if appropriate) the name of the organization they represent. In order to permit the widest possible participation, organizations are requested to have a representative make comments at only one of these meetings.

AVAILABILITY OF MEETING RECORDS FOR PUBLIC INSPECTION

Records of the meetings and materials submitted at each meeting will be available for public inspection in Rooms 3030 and 3661, Regional Office Building 3, 7th and D Streets SW., Washington, D.C., and in the respective Regional Offices.

Dated: April 13, 1977.

ERNEST L. BOYER,
United States Commissioner of Education.

[FR Doc.77-11524 Filed 4-20-77;8:45 am]

federal register

THURSDAY, APRIL 21, 1977

PART V



POSTAL SERVICE

■

PRIVACY ACT OF 1974

Systems of Records

POSTAL SERVICE

Privacy of Information Systems of Records

AGENCY: Postal Service.

ACTION: Final Notice of Systems of Records.

SUMMARY: This document makes final the previously published notice of the existence and character of six systems of records maintained by the Postal Service.

DATES: Effective date: April 21, 1977.

ADDRESSES:

Records Officer
U.S. Postal Service
Washington, D.C. 20260

FOR FURTHER INFORMATION CONTACT: Mr. John Finlay, (202) 245-4142.

SUPPLEMENTARY INFORMATION: On February 24, 1977, the Postal Service published for comment in the Federal Register (42 FR 10955) an initial notice of the existence and character of six systems which had not previously been considered "systems of records" under the terms of 5 U.S.C. 552a(a)(5). No comments regarding these systems were received. Accordingly, after a review of the proposed text, the Postal Service has determined to give final notice of the existence and character of the following systems:

(1) USPS 030.030, Equal Employment Opportunity—EEO Administration Litigation Case Files.

(2) USPS 120.220, Personnel Records—Arbitration Case Files.

(3) USPS 120.230, Personnel Records—Adverse Action Appeals (Administrative Litigation Case Files). (Previously announced as "USPS 120.230, Personnel Records—Adverse Actions (Administrative Litigation Case Files).")

(4) USPS 120.240, Personnel Records—Garnishment Case Files.

(5) USPS 190.010, Labor Law Civil Action—Civil Action Case Files.

(6) USPS 200.020, Non-Mail Monetary Claims—Monetary Claims Involving Present or Former Employees (case files). (Previously announced as "USPS 120.250, Personnel Records—Monetary Claims Involving Present or Former Employees (case files).")

The redesignated statements of existence and character of systems 120.230 and 200.020 appear below. The original statements of existence and character of systems 030.030, 120.220, 120.240, and 190.010 appear at 42 FR 10955-10957.

Roger P. Craig,
Deputy General Counsel.

USPS 120.230

System name: Personnel Records—Adverse Action Appeals (Administrative Litigation Case Files) 120.230.

System location: Law Department, Regional and National Headquarters.

Categories of individuals covered by the system: Employees involved in Veterans' Appeal and other adverse action appeals.

Categories of records in the system: (a) Formal pleadings and memoranda of law (b) Other relevant documents; (c) Miscellaneous notes and case analyses prepared by Postal Service attorneys and other personnel; (d) Correspondence and telephone records

Authority for maintenance of the system: 39 USC 401, 409(d)

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Purpose—This information is used to provide legal advice and representation to the Postal Service. Use—

1. Pursuant to the National Labor Relations Act, records from this sytem may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

2. Disclosure may be made from the record of an individual, where pertinent in any legal proceeding to which the Postal Service is a party before a court or administrative body or other tribunal.

3. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

4. Transferred to Department of Justice, when needed by that department to perform properly its duties as legal representative of the Postal Service.

5. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper form, original or copies, preprinted or handwritten forms.

Retrievability: By name of litigant(s).

Safeguards: Records are maintained in ordinary filing equipment under general scrutiny of USPS legal counsels and staff.

Retention and disposal: These case files are maintained for three (3) years following close of matter.

System manager(s) and address: General Counsel, Law Department, Headquarters.

Notification procedure: Persons interested in reviewing records within specific case files should submit their name; and case number, if known, to the General Counsel, Law Department, National Headquarters.

Record access procedures: See "System Manager" above.

Contesting record procedures: See "System Manager" above.

Record source categories: (a) Employees involved in Veterans Appeals and other adverse actions appeals; (b) Counsel(s) or other representative(s) for parties in administrative litigation other than Postal Service; (c) Other individuals involved in appeals. Source documents include the formal case file, and other records relevant to the case.

USPS 200.020

System name: Non-Mail Monetary Claims—Monetary Claims involving Present or Former employees (case files), 200.020.

System location: Law Department, Headquarters; Regional Counsel Offices, Regional Headquarters.

Categories of individuals covered by the system: Individuals involved in monetary claims cases.

Categories of records in the system: (a) Formal pleadings and memoranda of law; (b) Other relevant documents (c) Miscellaneous notes and case analyses prepared by Postal Service attorneys and other personnel; (d) Correspondence and telephone records.

Authority for maintenance of the system: 39 USC 401, 409(d).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Purpose—This information is used to provide legal advice and representation to the Postal Service. Use—

1. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

2. Disclosure may be made from the record of an individual, where pertinent in any legal proceeding to which the Postal Service is a party before a court or administrative body or other tribunal.

3. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

4. Transferred to Department of Justice, when needed by that department to perform properly its duties as legal representative of the Postal Service.

5. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper form, original or copies, preprinted or handwritten forms.

Retrievability: By name of litigant(s).

Safeguards: Records are maintained in ordinary filing equipment under general scrutiny of USPS legal counsels and staff.

Retention and disposal: These case files are maintained for three (3) years following close of matter.

System manager(s) and address: General Counsel, Law Department, Headquarters.

Notification procedure: Persons interested in reviewing records within specific case files should submit their name; and case number, if known, to the General Counsel, Law Department, National Headquarters.

Record access procedures: See "System Manager" above.

Contesting record procedures: See "System Manager" above.

Record source categories: (a) Individuals involved in monetary claims cases. (b) Counsel(s) or other representatives for parties in litigation other than Postal Service. Source documents include records relevant to the case.

[FR Doc.77-11501 Filed 4-20-77;8:45 am]

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